

REPORT

OF

THE SECRETARY OF WAR,

COMMUNICATING

(In compliance with a resolution of the Senate)

*Information in relation to transfers of Chickasaw and Choctaw orphan and incompetent funds.*

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MARCH 1, 1845.

Read, and ordered to be printed.

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WAR DEPARTMENT, *March 1, 1845.*

SIR: In answer to a resolution of the Senate of the United States of the 14th ultimo, requiring the Secretary of War "to report to the Senate the names of all persons who have, since the 1st of January, 1840, received any stock of the United States or of any State, or any scrip, money, certificate, security, or other property, belonging to the Chickasaw and Choctaw orphan or incompetent fund, reciting the particular description of stock, scrip, money, certificate, security, or other property, the amounts, dates, and names, respectively, with the authority under which such payments were each made, and the consideration for such transfer; and, further, that he communicate to the Senate whether, at any time, applications were made by the Chickasaw commissioners to have the amounts due to the incompetent and orphans of their tribe paid over to the respective claimants, and the answer of the department to such applications; and also the decisions of the late Secretary of War, Mr. Poinsett, and of the subsequent Secretaries of War, in relation to said funds; and that he furnish copies of such communications relative to the subject as may be on file in his department"—I respectfully transmit, herewith, a report of the Commissioner of Indian Affairs, which, it is believed, contains all the information required by the resolution, so far as it can now be furnished by this department.

It will be perceived that the payments and appropriation of the funds referred to in the resolution of the Senate have been made under and agreeably to rules and principles established some time since by my predecessors in office.

The only payment authorized by myself since the department was placed under my charge is one of \$401 64, made on the 7th of January

last, to the agent of D. Saffarans, agreeably to an account settled in the office of the Commissioner of Indian Affairs, and laid before me by that bureau.

Very respectfully, sir, your obedient servant,

WILLIAM WILKINS,  
*Secretary of War.*

Hon. W. P. MANGUM,  
*President of the Senate.*

DEPARTMENT OF WAR,  
*Office Indian Affairs, February 26, 1845.*

SIR: A resolution was adopted by the Senate of the United States on the 14th instant, in these words: "*Resolved*, That the Secretary of War be requested to report to the Senate the names of all persons who have, since the 1st of January, 1840, received any stock of the United States or of any State, or any scrip, money, certificate, security, or other property belonging to the Chickasaw and Choctaw orphan or incompetent fund; reciting the particular description of stock, scrip, money, certificate, security, or other property; the amounts, dates, and names, respectively, with the authority under which such payments were each made, and the consideration for such transfer.

"And, further, that he communicate to the Senate whether at any time applications were made by the Chickasaw commissioners to have the amounts due to the incompetents and orphans of their tribe paid over to the respective claimants, and the answer of the department to such applications; and also the decisions of the late Secretary of War, Mr. Poinsett, and of the subsequent Secretaries of War, in relation to said funds; and that he furnish copies of such communications relative to the subject as may be on file in his department."

This resolve was referred to this office for a report, which I now submit.

It would have been desirable, had there been sufficient time, to have connected the various papers herewith in a narrative reply to the several parts of the resolution; but all the clerical force I could use for the purpose has been occupied in preparing copies of the correspondence, orders, statements, &c., and the termination of the session of Congress approaches so closely as to admit of no delay that can be avoided. I send copies of the correspondence, applications, communications, decisions, and orders, which preceded and have attended the transfer of stocks and payment of interest standing to the credit of the Secretary of War for the time being, in trust for the "incompetent and orphan Choctaws," marked from (the former) A to V, both inclusive, and (the latter) from Aa to Ee; also, statements exhibiting those transfers and payments, "their amounts, dates, and names, respectively," and "the particular description of stock," marked V and Ee.

These papers show the "authority under which such payments were each made, and the consideration for such transfer;" and I believe the inquiries contained in the resolution, so far as they concern the Chickasaw orphan or incompetent funds, are answered. The 4th article of the treaty with the Chickasaws, of May, 1834, stipulates that the money for which the land of the "incompetents" was sold shall remain "in the hands of the



Government until such time as the chiefs, in council, shall think it advisable to pay it to the claimant, or to those who may rightfully claim under said claimant, and shall so recommend it;" and the 8th article contains a provision for the investment of the proceeds of the land reserved for orphans, "if there be a sufficient sum to be invested, (and it can be invested,) until such persons marry or come of age, when the amount shall be paid over to those who are entitled to receive it, provided a majority of the seven persons, with the agent, shall certify that, in their opinion, it will be to their interest and advantage; then, and in that case, the proceeds shall be paid over to the party or parties entitled to receive them."

The stock was and is held by the Secretary of War for the time being, and the interest since 1842 stands to his credit on the books of the Treasury, in trust for the several Indian tribes; every settlement of claim was submitted in detail to the Secretary of War, and examined and approved by him; every transfer of stock and payment of money was ordered by him; and every such transfer and payment made by him—for he himself transferred the certificates of stock, and signed the checks or requisitions for the money. The mode of realizing to the Chickasaws the avails of their reservations was ordered, the manner of executing these orders, the means of guarding against frauds and impositions on the Indians, the settlements, transfers, and payments, were made by the successive Secretaries, from the Hon. Mr. Poinsett to the present Secretary of War, in whose time a small amount has been paid over. The reasons for these several acts are apparent in the papers submitted.

The Choctaw orphan fund is unbroken. So far as it has been received, it not only remains untouched, but, besides the interest originally invested, the interest received on stocks has been reinvested, and \$1,378 09 added to the aggregate by this attention to their interest.

That the acts of the department and the present situation of the Choctaw orphan fund may be better understood, I send papers marked Ff.

A schedule of the papers sent accompanies this communication.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. WILLIAM WILKINS,

Secretary of War.

*Schedule of papers accompanying report of Commissioner of Indian Affairs, on resolution of Senate United States, of February 14, 1845.*

- A 1. Extract of a letter from Major William Armstrong to the Commissioner of Indian Affairs, June 29, 1838.
2. Extract of a letter from Commissioner of Indian Affairs to Major William Armstrong, August 8, 1838.
- B 1. Extract of a letter from Major William Armstrong to the Commissioner of Indian Affairs, September 28, 1838.
2. Extract of a letter from same to same, October 12, 1838.
3. Extract of a letter from Commissioner of Indian Affairs to Major William Armstrong, November 17, 1838.
- C 1. Letter from Major Armstrong to Commissioner of Indian Affairs, February 22, 1839.
2. Petition of Chickasaw commissioners and headmen to the President United States.
3. Letter from Commissioner of Indian Affairs to Major William Armstrong, March 29, 1839.

- D 1. Extract of a letter from Major William Armstrong to the Commissioner of Indian Affairs, August 27, 1839.
- E 1. Letter from Major William Armstrong to Commissioner of Indian Affairs, September 24, 1839.
- 2. Petition of Chickasaw commissioners and headmen to the President United States, September 3, 1839.
- 3. Letter from Commissioner of Indian Affairs to Major William Armstrong, November 9, 1839.
- F 1. Letter from Major William Armstrong to the Commissioner of Indian Affairs, May 20, 1840.
- 2. Communication from Chickasaw chiefs to the Chickasaw agent, April 11, 1840.
- G 1. Letter from Benjamin Love to the Secretary of War, May 21, 1840.
- 2. Same to same, May 25, 1840.
- 3. Letter from Hon. David Hubbard to Secretary of War, May 27, 1840.
- 4. Letter from James Davis to Hon. David Hubbard, December 31, 1839.
- 5. Order of the Secretary of War to the Commissioner of Indian Affairs, May 28 and 29, 1840.
- H 1. Letter from Hon. J. Thompson to Commissioner of Indian Affairs, May 23, 1840.
- 2. Letter from Felix Lewis to Hon. Jacob Thompson, May 4, 1840.
- I 1. Letter from Commissioner of Indian Affairs to Hon. T. H. Benton and Hon. Jacob Thompson, June 1, 1840.
- K 1. Letter from Chickasaw agent to Commissioner of Indian Affairs, August 23, 1840.
- 2. Communication from Chickasaw commissioners and chief to the President United States, August 12, 1840.
- L 1. Letter from Major William Armstrong to Commissioner of Indian Affairs, January 5, 1841.
- 2. Extract of a letter from Major William Armstrong to Chickasaw agent, October 6, 1840.
- 3. Notice of superintendent Western Territory to claimants against Chickasaws.
- 4. Letter from Chickasaw agent to Major William Armstrong, December 29, 1840.
- M 1. Report of Commissioner of Indian Affairs to the Secretary of War, and his approval of the same, March 22, 1841.
- N 1. Letter from Saffarans & Lewis to Secretary of War, March, 1841; and endorsement of War Department thereon.
- O 1. Letter from Major William Armstrong to Commissioner of Indian Affairs, August 26, 1841.
- 2. Letter from Chickasaw agent to Commissioner of Indian Affairs, August 20, 1841.
- 3. Communication from Chickasaw commissioners and chiefs to the President United States, July 15, 1841.
- P 1. Letter from P. P. Pitchlynn to Commissioner of Indian Affairs, October 25, 1841; with endorsement by Indian office.
- 2. Extract from a letter of Joseph Dukes to P. P. Pitchlynn, September 4, 1841.
- 3. Extract from a letter of A. Robinson to P. P. Pitchlynn, September 27, 1841.
- 4. Extract of a letter from R. Wilson to P. P. Pitchlynn, September 17, 1841.
- 5. Letter from Thomas J. Pitchlynn to P. P. Pitchlynn, dated September 21, 1841.
- 6. Directions of Secretary of War to D. Kurtz, acting Commissioner of Indian Affairs, October 30, 1841.
- 7. Letter from D. Kurtz, acting Commissioner of Indian Affairs, to Major William Armstrong, November 5, 1841.
- 8. Letter from Commissioner of Indian Affairs to Saffarans & Lewis, November 13, 1841.
- 9. Extract from a letter of D. Saffarans to A. M. Lea, Esq., November 19, 1841.
- 10. Letter from A. M. Lea to Secretary of War, dated November 26, 1841.
- 11. Letter from Hon. Ephraim H. Foster to Albert M. Lea, September 30, 1841.
- 12. Letter from Hon. Balie Peyton to A. M. Lea, acting Secretary of War, October 7, 1841.
- 13. Letter from Major William Armstrong to Commissioner of Indian Affairs, January 9, 1842.
- 14. Communication from Chickasaw commissioners to Major William Armstrong, January 4, 1842.

15. Certificate of Major William Armstrong and Chickasaw commissioners, respecting goods sold to incompetent Indians.
- Q 1. Letter from Saffarans & Lewis to the Secretary of War, of October 29, 1841; and endorsement by the Secretary of War thereupon.
- R 1. Letter from Berthelet, Heald, & Co., to Commissioner of Indian Affairs, March 24, 1842.
2. Letter from Major William Armstrong to Commissioner of Indian Affairs, December 12, 1841.
3. Direction of Secretary of War to Commissioner of Indian Affairs, on application of Berthelet, Heald, & Co., April 30, 1842.
- S 1. Letter from Chickasaw agent to Commissioner of Indian Affairs, August 20, 1842.
- T 1. Letter from Daniel Saffarans to Commissioner of Indian Affairs, October 27, 1842.
2. Certificate of Chickasaw agent, Captain Blake of United States army, and Chickasaw commissioners, of the account books of Saffarans & Lewis.
3. Certificate of Chickasaw agent, Major Fauntleroy of United States army, Captain Ogden of United States army, and Chickasaw commissioners, of the account books of Doak & Tims.
4. Certificate of Chickasaw agent, Captain Blake of United States army, and Chickasaw commissioners, of the account books of Berthelet, Heald, & Co.
5. Certificate of Major William Armstrong and Chickasaw commissioners, of the account books of D. & S. Folsom.
6. Notice of Saffarans & Lewis; Doak & Tims; Berthelet, Heald, & Co.; and D. & S. Folsom, to persons holding their due bills, to bring them in for payment.
7. Letter from Josiah S. Doak to Daniel Saffarans, April 9, 1842.
- U 1. Letter from Daniel Saffarans to Secretary of War, of November 7, 1842; and Secretary's endorsement thereon of November 8, 1842.
- V 1. Statement showing the names of persons to whom has been paid or transferred money and stock belonging to incompetent fund, and by whose order.

#### CHICKASAW ORPHANS.

- Aa 1. Letter from Major William Armstrong to Commissioner of Indian Affairs, March 27, 1839.
2. Petition of Chickasaw commissioners in favor of Cyrus Harris, enrolled as a Chickasaw orphan.
3. Letter from D. Kurtz, acting Commissioner of Indian Affairs, to Major William Armstrong, May 4, 1839.
- Bb 1. Letter from Major William Armstrong to Commissioner of Indian Affairs, March 10, 1841.
2. Petition from commissioners and headmen of Chickasaw nation to the President of the United States, November 25, 1840.
- Cc 1. Letter from Daniel Saffarans to Commissioner of Indian Affairs, October 2, 1843.
2. Endorsement by Commissioner of Indian Affairs on aforesaid letter, October 2, 1843; with approval of Secretary of War, dated October 5, 1843.
- Dd 1. Letter from Commissioner of Indian Affairs to Secretary of War, December 24, 1841.
- Ee 1. Statement showing the payment of stock, &c., on account of Chickasaw orphans, by whose order, and the sale of some of their reservations.

#### CHOCTAW ORPHANS.

- Ff 1. President of the United States to Secretary of War, January 6, 1845; and order of Secretary thereon to Commissioner of Indian Affairs.
2. Letter from John A. Rogers to the President of the United States, July 6, 1844.
3. Letter from John A. Rogers to Major William Armstrong, June 5, 1844.
4. Letter from Major William Armstrong to John A. Rogers, June 7, 1844.
5. Report of Commissioner of Indian Affairs to the Secretary of War, January 14, 1845.

## A 1.

*Extract of a letter from Major William Armstrong, acting superintendent Western Territory, to C. A. Harris, Esq., Commissioner of Indian Affairs, dated Choctaw Agency West, June 29, 1838.*

A number of the Chickasaws have called on me, to know when they will be paid the money due them for their lands. I have informed them that the money was invested, and they would be paid the interest. This will be an exciting question, and, from the symptoms already exhibited, one that cannot be carried out. I have no idea but the chiefs will insist upon the whole amount being paid. I shall postpone it as long as possible; but finally they will listen to nothing but the moneys being paid. With the large amount of money that will be paid the Chickasaws, arising from the interest on their national fund debt, it certainly would be sound policy to keep invested as much as possible. It is a waste of money to pay such large sums to Indians. And I still think, as I informed you in Washington, that if one hundred thousand dollars was promised to be paid the Chickasaws, with the interest next year, that the remainder of the money due the incompetent Indians could be retained on interest. In this I may be mistaken; for I should not only have the Indians to contend with, and convince them that it would be for their benefit to receive the interest annually, but I should have the trading community to contend with, that always have power in the Indian country, and especially when combined, as will be the case in this instance.

## A 2.

*Extract from a letter from C. A. Harris, Esq., Commissioner of Indian Affairs, to Major William Armstrong, acting superintendent, &c., dated 8th August, 1838.*

I enclose a tabular statement exhibiting the tracts located for each incompetent reservee, the names of the purchasers, prices, amounts paid to the Indians, amounts deposited and invested, dates of passage of the deeds, annual interest, and interest to the 1st of July last. The names of the reservees and purchasers, and the designation of the tracts located, will facilitate the identification of the Indians; and the other columns will show the principal invested for the interest due to each. The interest that has already accrued will be remitted to Captain Collins, to be paid to the persons entitled to it. In future years, there will be only 12 months' interest paid at a time, the amount of which is shown in the table. I notice your remarks on the probability that the chiefs will insist on the payment of the whole amount of the principal. It is true that the treaty provides that this shall be done when the chiefs, in council, shall think it advisable. But it will, nevertheless, be the duty of the Executive to weigh the reasons on which they shall recommend the payment; and it will naturally require that strong and conclusive ones shall be adduced to prove that a person, incompetent in 1836 to take care of his own affairs, has since acquired a capacity entitling him to be trusted with their management. Every consideration connected with the advantage and future comfort of this class of Indians evinces the propriety of not disturbing the investment. It could not have been contemplated at the conclusion of the treaty that they should receive the entire proceeds of their lands immediately after their arrival.



The intention, doubtless, was to provide, in the interest, a fund on which each might live until the nation had settled down to agricultural pursuits or other business, and he had been taught by example how to cultivate the soil, or do something else useful and profitable to himself. You will explain these views to the chiefs, enlarging upon them as you may think proper. And you will inform them that, before any application from them for the payment of the principal due the incompetent Indians will be submitted for the sanction of the President, this department will require clear and satisfactory evidence that their inability to manage property prudently has been removed. If, as you seem to apprehend, you shall have the trading community to contend with in this instance, you are not only authorized, but you will deem it your duty, to remove any and every member of it who takes a part in the matter from the Indian country, revoking his license. If, after all, the chiefs shall determine to recommend the immediate payment of the balances due the incompetent among their people, you will endeavor to prevail on them to demand a portion only now, and make that portion as small as possible.

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B 1.

*Extract from a letter from Captain William Armstrong, acting superintendent Indian Affairs, Western Territory, to C. A. Harris, Esq., Commissioner of Indian Affairs, dated Choctaw Agency West, September 28, 1838.*

At the late Chickasaw council, held near Boggy, of which before starting I advised you of the object of the council, nothing decisive was done in relation to the money belonging to the incompetent Chickasaws. I did not receive yours of 8th August, with the register, until my return; but I explained fully to the council that the money was upon interest, and that whatever had fallen due would be paid as early as possible; as to the principal, they should reflect well before they determined to have it paid. I saw an evident disposition amongst the chiefs present to have the money paid. Should they so insist, I will endeavor to prevail upon them to take it in instalments. On Monday next, the Choctaw grand council meets, where the Chickasaw commissioners and other leading men are to meet and decide what they will do about the incompetent fund. I am so feeble, from a spell of fever since my return, that I am unable to attend. I have fully explained the subject to them, as I had the honor in the several interviews I had with you at Washington to understand your views in relation to this incompetent fund. I will, in addition, write the commissioners and chiefs that, since I saw them, I have received the roll, and that eighteen months' interest will very soon be paid. The Chickasaws came over with considerable money, but little of which is left among them.

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B 2.

*Extract of a letter from Captain William Armstrong, acting superintendent Western Territory, to C. A. Harris, Esq., Commissioner of Indian Affairs, dated Choctaw Agency, 12th October, 1838.*

I have received a communication from the Chickasaws in council, upon the subject of their incompetent money. They express a wish to have

one-half the amount paid them. The council was there, and but two of the commission present. I therefore have concluded to not send on their petition until the interest shall arrive, and a more numerous attendance of the chiefs be present.

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B 3.

*Extract of a letter from T. Hartley Crawford, Commissioner of Indian Affairs, to Captain William Armstrong, acting superintendent Western Territory, dated November 17, 1838.*

In regard to the money of the incompetent Indians, I have only to express my entire concurrence in the views expressed by my predecessor on the 8th of August last. I shall deem it a duty, so far as may depend on me, to postpone as long as possible the payment of the principal. The interest, amounting to nearly \$20,000 annually, will be sufficient for all their current wants, if judiciously applied. I understand that the interest that had accrued prior to the 1st July last was sent by Captain Brown to Captain Collins, to be paid with the annuities; and this I presume has been or will be done.

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C 1.

CHOCTAW AGENCY WEST,

February 22, 1839.

SIR: I have the honor to enclose you a petition from the Chickasaw commissioners and headmen, to the President of the United States, upon the subject of the money due incompetent Chickasaws. I explained to the council, that the money, as they knew, was invested; that they were now receiving eighteen months' interest—up to 1st July, 1838; that the department believed it to be to their advantage to let it remain funded. The Indians are very much dissatisfied at the commissioners who decided them incompetent. The commissioners feel uneasy. At their earnest request, I promised to send their petition to the President of the United States.

Respectfully, your most obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs.*

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C 2.

*To our great father, Martin Van Buren, President of the United States :*

The undersigned, commissioners and headmen of the Chickasaw nation, in general council assembled at Boggy, on the waters of Red river, on the

14th of February, 1839, beg leave to represent to their great father the President of the United States, that a portion of their people entitled to land under the treaty of Washington of the 24th May, 1834, were decided, by the Chickasaw commissioners appointed under said treaty to carry the provisions therein mentioned into effect, incompetent to take care of and manage their own affairs. Their lands were sold under said treaty, and a large portion of the proceeds thereof placed with the Chickasaw fund, in the hands of the Government. The undersigned would beg leave to state, that their first object in declaring those Chickasaws incompetent was to save their money for them until they arrived west of the Mississippi, when we promised and expected they would be paid. The Chickasaws have a large amount of national fund invested; and, as this is individual money, we never designed or expected that it would have been invested, but paid here after we had emigrated; and the chiefs in council recommend its payment, according to the fourth article of said treaty.

The time has come, as our people have arrived at their new homes, and are laboring to cultivate the soil. In their first settlements they require all the means they can obtain, to purchase farming utensils, stock, and such articles as they may require. Although as a nation they are wealthy, having a large amount of national money, it is at present giving them no assistance. They have no annuity, as their other red brothers have. Many individuals of their nation are wealthy, but the great body are poor; and but for the kindness of those of their brethren who had money, and loaned it to some who had none, many must have suffered. Such as loaned money have exhausted their stock, and their own wants make them anxious to be paid such sums as they have advanced their incompetent brethren.

At no time can this sum ever be so beneficial to our people as the present. We therefore appeal to our great father the President of the United States, to cause the money to be paid in two equal payments, with the interest accruing thereon. This would relieve our people, and enable them to discharge their debts, and live in some peace and comfort. We do not expect any thing from our general fund for some time, and, unless we get some relief, our people will be without money to commence in a new country.

We therefore once again appeal to our great father the President of the United States, to extend to our people that relief which their situation so imperiously calls for, and for which your petitioners will ever feel the received obligations they are under to their great father.

We remain your friends and brothers,

Headmen	{	ISH-TE-HO-TO-PA, (King,)	his X mark.
		ISAAC ALBERSON,	his X mark.
		GEORGE COLBERT.	
		ATTOKA,	his X mark.
		AH-BAH-MA-HUBBEE,	his X mark.
		GREENWOOD,	his X mark.
		MA-HO-BA-TUBBEE,	his X mark.
		HIO-CHA-TUBBEE-SEALING,	his X mark.
		LA-PA-MUBY,	his X mark.
		PIS-TUL-LA-TUBBEE,	his X mark.
		SLONE LOVE.	
	{	JAMES WOLF.	

C 3.

WAR DEPARTMENT,

*Office Indian Affairs, March 29, 1839.*

SIR: I have received your letter of the 22d ultimo, with the petition from the Chickasaw commissioners, and it has been submitted to the Secretary of War.

This paper appears to have been drawn up in ignorance of one circumstance, and under a misapprehension of another—ignorance of the provision that had been made for subsisting the nation seven months longer, and misapprehension in supposing that they would not derive benefit from the national fund for some time to come. Of the first, you have been advised. In regard to the second, there will be without doubt a considerable amount of interest payable to them next year, in conformity with the 11th article of the treaty; if not, a balance the present year. Having this provision for immediate relief, and the certainty of an ample fund for the ensuing year, it would seem that they could not need more than the interest on the money of the incompetent class, amounting to \$19,773 83, and which the Government is willing to pay. It is the wish of the Secretary that you represent these things to the commissioners, chiefs, and headmen, and reiterate and fortify the views heretofore communicated to you, of the impolicy of disturbing the investments which remain unchanged.

Very, &amp;c.

T. HARTLEY CRAWFORD.

Captain WILLIAM ARMSTRONG, *Choctaw Agency.*

D 1.

*Extract of a letter from Major William Armstrong, acting superintendent Western Territory, to the Commissioner of Indian Affairs, dated August 27, 1839.*

The last payment to the Chickasaws was for eighteen months' interest due the incompetents under the 4th article of the treaty. This payment was up to 1st July, 1838, making eighteen months. The reason why it was extended beyond a year, as I understood from the late Commissioner, was to give as large a sum as possible, to relieve, in some measure, the individual wants of the Chickasaws, as well as to reconcile them to the investment of the money. They are very needy, and it would be very desirable to have them paid as early as possible.

E 1.

CHOCTAW AGENCY WEST, *September 24, 1839.*

SIR: The enclosed communication from the Chickasaws was received a few days since, which, as requested, I have the honor to enclose you. The



object for which they want a delegation to visit Washington is stated in the petition; no doubt, however, that it is mainly to effect, with other business, the payment of the invested fund belonging to incompetent Chickasaws, which they have already twice petitioned to have done. The withholding this money has created very great dissatisfaction against the commissioners by the common Indians. They complain that they were promised payment by Colonel Reynolds and their own commissioners when they should reach their new homes. Such is the dissatisfaction, that the commissioners who declared the Indians incompetent feel very uneasy. I have no doubt that they intend, if they cannot get the money paid, to petition the Senate. I was not aware of their determination to ask for a delegation to go on, the propriety of which can be best determined by the department. I thought it right to inform you of what I believe their main object, and that they would not rest satisfied until they had used every exertion to obtain the incompetent Chickasaw fund.

Very respectfully, &c.

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

T. HARTLEY CRAWFORD, Esq.

*Commissioner of Indian Affairs.*

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E 2.

CHOCTAW NATION WEST, September 3, 1839.

*To our great father the President of the United States:*

It has now been several years since the treaty between our great father and the Chickasaw tribe of Indians, and nearly all of our lands have been sold, and, agreeably to our treaty, we have moved to the far West. We are anxious that a delegation of three of our chiefs or headmen, with our agent, be permitted to visit our great father at Washington, this fall or early in the winter. We ask this favor of our great father with due respect, believing, at the same time, that he will grant it to us. We have several reasons for wishing to see our great father. One is, we have never seen him, and of course never taken him by the hand, except through his agent, who is now with us, and with whom we are much pleased. Another reason is, that we are placed entirely on the frontier, and surrounded by various bands of hostile Indians, such as refugee Cherokees, Kickapoos, Caddoes, Delawares, Shawnees, and Camanches; and we wish to know of our great father if he will not have some of his men placed at some suitable situation in our district, to protect our lives and property, both of which are at the mercy of these roving bands. We also wish to talk with our great father about the lands that have been sold in the old country, and particularly about those of our people who were passed incompetent to manage their own affairs in the old nation, where we were surrounded by sharpers and whiskey sellers. We also wish to talk with you about those of our people who were orphans at the time the treaty was made, and are now of age, some of whose lands have been sold, and others not. We ask to visit you for the benefit of our nation, that when we return we can say to our people that we have seen our great father, and that he himself has

told us all about our national affairs. Our expenses on our visit to our great father cannot be much, when there will be only three delegates ; and this expense will, of course, come out of the funds belonging to the Chickasaws. Therefore, we confidently calculate that our great father will grant us this small request.

ISH-TE-HO-TO-PA, (King,) his X mark.

GEORGE COLBERT, his X mark.

PITMAN COLBERT.

SLONE LOVE.

ISAAC ALBERSON, his X mark.

ISH-TE-MO-LUT-KA, his X mark.

BILLY McGILVERY, his X mark.

JAMES COLBERT.

TOM-SHE-KO, his X mark.

PIS-TA-LA-TUBBY, his X mark.

JAMES WOLF, his X mark.

HI-AN-CHE-TUBBY, his X mark.

ILA-PAMBY, his X mark.

JACKSEM KEMP, his X mark.

STU-I-U-TUBBY, his X mark.

I-BO-KA-AH, his X mark.

JOHN GOING, his X mark.

ISH-BE-AH-TUBBY, his X mark.

OPE-O-AH-TUBBY, his X mark.

LEMUEL COLBERT, his X mark.

CHARLES COLBERT, his X mark.

CEN-O-SHE-KE, his X mark.

CHICKASAW-AH-NUBBY, his X mark.

TA-KEN-LUBBY, his X mark.

IM-ME-TUBBY, his X mark.

E-NO-BE-AH, his X mark.

IN-KE-AH, his X mark.

CHE-PAW-AH, his X mark.

JOHN GLOVER, his X mark.

BAH-KA-TUBBY, his X mark.

SHE-WAH-HA, his X mark.

NEWBERRY, his X mark.

JAMES GAMBLE, his X mark.

IM-MA-HO-BAH-TUBBY, his X mark.

ISH-KA-TA-HA, his X mark.

AH-MO-SHO-TUBBY, his X mark.

TE-CUMSEH BROWN, his X mark.

TUTH-LI-ZEE, his X mark.

TIL-LUK-HI-ZA, his X mark.

HA-CUB-BEE, his X mark.

EHI-O-CHA-TUBBY, his X mark.

Test: **HIRAM CARVER.**

**GEORGE W. CLARKE.**

E 3.

## WAR DEPARTMENT,

*Office Indian Affairs, November 9, 1839.*

SIR: I received yesterday your letter of 24th September, enclosing a memorial to the President of the United States, from the king, chiefs, &c., of the Chickasaws, requesting permission to visit Washington. The objects appear to be two-fold: 1st, to represent the propriety of establishing a military post to protect them from the roving Indians in their neighborhood; 2d, to converse about land sales, and especially those of incompetent Indians and orphans.

Fort Towson appears to be not very distant from their district, and I should suppose would afford them all the protection necessary; but that is a subject which the Secretary of War will dispose of properly. So far as the incompetent money is concerned, it is deemed most unwise, on the part of the Indians, to press its payment. It was left with the Government to invest it, because those to whom it belongs were incapable of managing it for themselves. The interest it is much to their advantage to receive yearly. Up to the 1st of July last, \$51,903 have been received, of which \$28,946 23 have been paid to them—leaving a balance of \$22,946 23 on hand, which I am now taking measures to have paid them, and which shall be done shortly. The whole money invested on this account is \$369,230 44, in State stocks which were bought in 1836 and 1837, under the treaty of 1834. How these people, who were believed by the chiefs themselves so lately to be incapable of managing their own concerns, can be now regarded as capable, or upon what reason a payment to them can be urged, I am at a loss to perceive. The principal would be squandered directly, if they got it. The department, as their guardian, will not consent to pay them more than the interest; it would be great injustice to do so; and their request in this particular cannot be granted. If otherwise disposed to do it, the State stocks in which it stands could not be sold except at a sacrifice of a large proportion thereof, which ought not to be thought of; but the interest shall be paid them punctually.

The orphan fund amounts to \$146,000, invested in stocks of the State of Arkansas, on which \$11,487 19 have been received as interest up to 1st July last. I am, in regard of this, as of the incompetent interest, now arranging to pay those who have married or come of age their shares of the interest, provided a majority of the seven persons named in the fourth article of the treaty of 1834, with the agent, shall certify that in their opinion it will be to their interest and advantage. These are the terms of the eighth article of the said treaty. If the stock could be now sold at par, I would also direct that each adult or married orphan should receive his or her share of the principal; but that is impossible in the present money difficulties of the country.

I have thus stated plainly all that the Indians can wish to know, or could learn if they came here. The journey will therefore be useless; for they will receive precisely the same answers at the office. Still, if they persist in their wish to come, it will not be objected to, provided the number is limited to three; and it is distinctly understood that they pay their own expenses, for which the Government will not be responsible.

Respectfully, &amp;c.

T. HARTLEY CRAWFORD.

Captain WILLIAM ARMSTRONG,

*Choctaw Agency, west of Arkansas.*

F 1.

WASHINGTON CITY, May 20, 1840.

SIR: I have the honor to lay before you a communication addressed to Colonel Upshaw, Chickasaw agent, by the council of that tribe. The payment made the incompetent Chickasaws on their invested stock was for eighteen months, being the only payment made them. If a similar payment could be made for the same time, it would greatly relieve them; after which, the payment could be annual. My impression is, that there is two years' interest due in July.

You will also perceive that the council wish the interest paid the orphans. I informed the Chickasaws that it would be useless for them to ask to have the principal of this invested money paid, but to give up such an idea, and no doubt the department would immediately have the interest paid. I therefore particularly request that the interest for the same period as the last payment be made, with so much for the orphans as the department may judge necessary.

Respectfully, your most obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent W. T.*

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs.*

F 2.

COUNCIL GROUND,

*Near Fort Towson, April 11, 1840.*

FRIEND AND BROTHER: It is stipulated in the 11th article of the treaty of 1834, that the Government of the United States, within six months after any public sale takes place, shall advise them of the receipts and expenditures and of balances in their favor; and also, at regular intervals of six months after the first report is made, will afford them information of the proceeds of all entries and sales, &c. As we do not understand the nature of the sales and surveys, we request of you to say to our father the President, "is there no part of the land business completed; and if it is, we wish the officers of that part dismissed, so as not to incur any more expense upon us?" and to inform him that we have never received any accounts upon the following subjects, and wish he would send us the information: to "send us a statistical account of our sales, expenses, balances, stocks, &c.;" and to send us the name of each head of family, and the quantity of land each individual received, and the names of the purchasers, distinguishing those allowed east from those allowed west. If we had a full statement of all the lands that have been disposed of at public auction, or otherwise disposed of, the day and date of such transactions, and the different prices, and all the above required information, it would enable us to find out some of the frauds that have taken place.

We have made three attempts to have the funds belonging to incompetent Chickasaws paid to them, and were unsuccessful at each attempt. Upon mature reflection, we have come to the conclusion that it is better at



this time for the principal not to be paid, but that great benefit may be derived from the annual payment of the interest. It has been proved to our satisfaction that the interest of this fund yields them many benefits, and will continue to do so; whereas, if the principal was paid, in a few years they would cease to receive any benefits at all.

We therefore request that you will make application to the President to order the interest of the incompetent fund to be paid to the proper persons, who are needy, and much in want of it.

As the orphans have not received any immediate benefit from the treaty, we request, also, that the interest of their fund be paid them.

Respectfully, your friends and brothers,

ISH-TE-HO-TO-PA,	his X mark.
ISH-TIM-O-LUT-KA,	his X mark.
PIST-LA-TUB BEE,	his X mark.
ISAAC ALBERSON,	his X mark.
WILLIAM McGILVERY,	his X mark.
E-HI-O-CHI-TUBBEE,	his X mark.
ILL-A-FARM-BA,	his X mark.
ISH-TI-YOUK-I-TUBBEE,	his X mark.
E-BAR-MA-TUB-BEE,	his X mark.
JU-KI-YEE,	his X mark.
AH-LA-KIN-TUBBEE,	his X mark.
CHICKASAW-NAU-NUBBEE,	his X mark.
EBAR-KA-TUBBEE,	his X mark.
TOM SHEKE,	his X mark.
UB-BIT-TIM-YA,	his X mark.

Colonel A. M. M. UPshaw,  
*Chickasaw Agent.*

Witness: GEORGE W. CLARKE.  
PITMAN COLBERT.

G 1.

WASHINGTON CITY, May 21, 1840.

*Hon. J. R. Poinsett, Secretary of War:*

Your memorialist respectfully sheweth:

That he was regularly appointed, with others, in 1834, by the Chickasaw nation, one of a board of commissioners to repair to Washington city and negotiate a treaty of sale of their territory, and stipulate for their removal west of the Mississippi. Upon the accomplishment of that object, it became necessary to carry its provisions into effect, so as practically to meet the views of the United States Government with as little detriment as possible to a people naturally improvident and uninformed in business affairs. To best secure and harmonize those objects, it will be perceived that expedition would have become a leading feature of policy in the transaction.

Upon the first announcement of the treaty, our country was filled with white adventurers, who were both disposed and encouraged to mingle freely with us. The habits of our people were suddenly changed, their ability as individuals increased, and their necessary wants urgent, in this new state of affairs. From 1834 to the period of their emigration, (1838), little else

was thought of but the sale of their lands, and preparations for their removal. The incompetent were naked and starving before they could remove, and it was well known would be destitute after their arrival at their new homes. Regarding the provisions of the treaty applicable to this branch of the subject, they furnished both a basis of credit and an inducement to extend it; which, considered generally, was both rational to rely on, and actually beneficial to the recipient.

Your memorialist had peculiar and forcible reasons to prompt him to yield to their solicitations for assistance. He was acting both for the Government and his people, of whom he was one with susceptibility enough to properly appreciate that relation. The burdens and responsibilities of his position were so great, indeed, that at one time he intended to resign, and was only deterred from doing so by the pressing solicitations of our general agent, and a threat by the other commissioners to follow him. Your memorialist was in easy circumstances, owned many likely negroes, a very large and valuable stock, a productive plantation, with a valuable property in his treaty reserve, without indebtedness to any body. He resisted tempting offers, variously made, to engage in the usual speculations of that day. His whole time (with what efficiency is best known to those with whom he co-operated) was devoted to the objects before indicated; and, the better to insure success, he considered it important to stand aloof, to secure the more certainly the confidence and control of his people. Your memorialist would further represent, that, in advances for these purposes, he holds claims, authenticated in the most deliberate and imposing manner known to our usages, to the amount of near \$30,000, chiefly for cash and for horses, provisions, and clothing. His opportunities for securing his claims were highly favorable. He possessed influence enough with all parties to have been preferred creditor at all times; instead of which, the more clamorous and uncompromising left him only to assume new responsibilities, to spare his people the horrors of a jail. He has sold much of his property while it would sell—negroes and lands—to relieve himself from such liabilities, and provide the necessary support for his family. Much of it has been sold by execution, and suits instituted for much more, which will shortly mature into judgments. At present prices with us, it is highly probable his whole remaining property will not pay his debts. Had he gone west, and taken his property, he might have been as indifferent as others seem to be, from recent indications, as your memorialist learns, given in council there.

But such a course neither accorded with his disposition, nor was it in his power. His necessary attention to his official duties and his heavy responsibilities precluded such relief.

The substance of the facts stated can be abundantly proven, to the satisfaction of the department, as, in their very nature, the material ones were of an open and notorious character, and are incapable of serious misrepresentation.

In view of the premises, your memorialist humbly prays that his case may receive the present attention of the Secretary of War, and that such mode of relief (if he be considered as entitled to any) be adopted as may spare his remaining property from further sacrifice, and reimburse to him the fruits of an arduous and honest toil for a lifetime, disposed of according to the best lights of his understanding, for the advancement of a favorite measure of policy of the Government and the protection and happiness of

his people ; guarded, too, as he supposed, by the spirit and letter of an instrument which he had assisted to make, so far as it is applicable to the character of the transactions in which he was engaged. And your memorialist will, as in duty bound, ever pray.

BENJAMIN LOVE.

The undersigned mingled freely with the condition of things set out in the above memorial, and takes great pleasure in saying that, from his knowledge and well-accredited report, the facts, as stated, accord with his recollection and belief of them.

WILLIAM CARROLL.

The undersigned lived at Pontotoc at and during the disposition of the lands of the Chickasaw Indians and their emigration west of the Mississippi river, and believes the above statements to be true. In his opinion, it was through the influence and agency of Colonel Love the treaty was carried into effect, and without the co-operation of Colonel Love he doubts whether the treaty could have been carried out without a resort to force.

J. THOMPSON.

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G. 2.

WASHINGTON CITY, May 25, 1840.

*To the Hon. Secretary at War :*

The supplemental statement of your memorialist, Benjamin Love, respectfully sheweth :

That in expectation of receiving the advances made by him promptly on the arrival of the Indians west, he forwarded his *evidences of claims* to his brother, for collection. The amount is about \$30,000, evidenced by notes executed by them, accounts acknowledged and paid by me, upon which I received a transfer—provisions sold by myself to them, clothing, horses to remove, and executions pressing them to and within the jails, (a specimen of which accompanies the presentation of this paper.) The indebtedness is entirely from incompetent Indians, the competent having received their money, and paid it themselves. The amount of debt due by individuals varies from \$50 to \$2,000. Many of them have died since the transaction. My memory serves me in the case of Inticah ; he owes me \$2,000. Pahlintubby was declared competent, and has his certificate to that effect ; by mistake of the clerk, he was enrolled as incompetent. I advanced for him near \$2,000. His money composes a part of the incompetent fund. So far as claims are held against competent Indians, none ever relied on any thing but the interest arising from the investment of the general Chickasaw fund, as their individual property (to wit: the proceeds of their reservations) had been received and used by them. This general fund arises from the sale of the surplus territory, after satisfying reservations—is common property, and is imperatively required to be invested in stocks redeemable in not more than 20 years, by the 11th article of the treaty of Washington. The incompetent fund, arising from the sale of reservations, is individual property, the right to which, after the sale, was

always regarded by us as perfect in the incompetent as the competent, and the payment of it made to depend upon an event within their control, (regulated, of course, by their wants and necessities,) to wit: the application of a majority of the chiefs in council, after their arrival. This was done, and urgently pressed once or twice since.

Your memorialist trusts to the indulgence of the Hon. Secretary at War in venturing further to state that, in an interview with the Commissioner of Indian Affairs, he gave it as his decided opinion, that the incompetent fund was designed by the treaty to constitute a portion of the general Chickasaw fund, upon which the interest alone was to be expected. Your memorialist trusts that in a matter now so vital to him the grounds of that opinion may be re-examined.

It will be observed, that in the 11th article, before referred to, a provision for investment is positive. In the 8th article, relating to orphans, "if the President deem it advisable, they shall be invested" until they marry or come of age, when the amount shall be paid, if the chiefs and agent recommend it; while in the 4th article, relating to the incompetent fund, there is an entire absence of provision for investment, but a stipulation for payment, upon an event which might and was expected to happen immediately. As a commissioner, your memorialist would state, that the object of withholding it at all after the sale was to prevent their loitering in the country and retarding their removal, as well as to cut off, to some extent, inducement to the shrewd to prey upon the improvident. It never was expected nor intended by us, that their necessary and proper wants should not look to it as a source of credit.

By returns to the department, it can be plainly seen what each incompetent Indian is entitled to; and your memorialist would be pleased to abide any rule of adjustment which might be furnished, however rigid, in the authentication of his accounts. The Commissioner mentioned, further, that a counter memorial had been recently received from a council west, requesting the payment of the interest only. This he trusts may not affect his rights. They did long since request the payment, and repeated that request, begging permission to come to Washington and talk about it; since which, one of the chiefs has died, leaving three west, and three yet detained in the indispensable duties of their office. True, they have informally nominated another, which gives them, nominally, four there—a majority; and, as your memorialist learns, they propose to receive the interest in the late memorial as an alternative, because they can do no better. At any rate, he trusts he may not be sacrificed to the bad faith of those who have left him here to meet the storm, while they are securely to reap the fruit of his sacrifices. It is well known, too, that a sinister influence may be easily exercised by traders amongst them, and shape their resolves to any mould, that they may secure a better harvest themselves.

He trusts that an opportunity may be afforded him to make any further explanations which may be necessary, and to authenticate his statements by many gentlemen of high respectability who now happen fortunately to be in Washington; and, as in duty bound, he will ever pray.

BENJAMIN LOVE.



G 3.

WASHINGTON, May, 27, 1840.

SIR: In relation to the application of Benjamin Love, to have the incompetent fund of the Chickasaw Indians paid over to them, or to have so much paid as will indemnify or reimburse the said Love for money which he alleges that he paid for said persons, to release them from arrest or indebtedness, in order to move them west of the Mississippi, I beg leave to make the following statement of facts, which occurred within my knowledge:

In 1836 and 1837, whilst the Indians were selling out their reservations, I knew well Colonel Love, the applicant, and the other chiefs who were executing the treaty and removing the Chickasaws, and know that they had great difficulty in reconciling the warriors to receive a small portion of the purchase money, and have the residue retained until they went west, and be considered incompetent. They were only induced to do so by promises that, when they got west of the river, they would be paid what was due them individually upon their several reserves. They were told that this was the construction of the treaty, and this was the opinion of the agent, and all of the chiefs of the treaty, as well as the construction given by the counsel for the nation, General James Davis, a letter from whom I hereby beg leave to enclose.

I purchased lands extensively of the Indians and of those who bought of them, and was present during the greater portion of the time the nation was selling out and preparing to move, and remember well that the applicant, Colonel Love, had many calls upon him by those Indians, to protect them in suits brought against them by citizens, for debts, &c., but have no recollection of particular cases. It was almost an incessant appeal upon his attention by the more ignorant portion of the nation, and he had almost the whole charge of keeping his people willing to move and to execute the treaty. He was wealthy and unembarrassed, and by becoming their security, and taking their debts upon himself, as I am informed and believe, he has become embarrassed, and I learn his property will be sacrificed to pay the debts of those incompetent persons.

If he can be relieved by any method, I do not hesitate to say it ought to be done.

I am of the opinion that they properly interpreted the provisions of the treaty, and that the United States was bound on their going west, and demanding their money through their chiefs; that they had a right to it; and I gave this opinion, with others. In fact, I never heard the correctness of this position questioned, until by the honorable Commissioner of Indian Affairs a few days since.

I have the honor to be, &c., your obedient servant,

DAVID HUBBARD.

HON. J. R. POINSETT,  
*Secretary at War.*

G 4.

MARSHALL COUNTY, MISSISSIPPI,

*Holly Springs, December, 31, 1839.*

I have been advised that the Government has refused to pay over to the incompetent Chickasaw Indians the proceeds of their reservations, although application has been made, in accordance with the 4th article of the treaty of the 24th May, 1834.

By an act of the Legislature of Mississippi, approved on the 4th day of February, 1829, that State extended her jurisdiction throughout her chartered limits, which made the Chickasaw Indians competent to contract debts, to sue and be sued, &c.; and previous to their removal they had contracted debts to a considerable amount, which were unpaid; and many of them had been ripened into judgments in the courts of Mississippi, and executions issued upon some of the judgments, and *ca. ca.*'s upon others; other creditors had obtained precepts of various kinds against them; and when the first emigrating party assembled at the mouth of Tippah and Tallahatchy, a swarm of creditors and officers were hovering around them, which produced so much excitement and dissatisfaction amongst the Indians, that they became extremely intemperate, refused to be enrolled by the emigrating agents, and to proceed to their new homes. The emigrating agents, supposing it probable that I could exercise some influence with them, despatched a messenger, with the request that I would visit the camp forthwith, which I accordingly did; and immediately upon my arrival at camp, I assembled the Indians, made them a talk, and then assembled their creditors and civil officers; urged upon them not to defeat the important object of the removal of the Chickasaw tribe; called their attention to the 4th article of the treaty; gave it as my opinion, that, shortly after the settlement of the Indians in their new homes, the mode pointed out in that article to obtain for the incompetent Indians the proceeds of their reservations would be taken; in which event, it would be the duty of the Government to pay over the money, and their claims would be paid, as the principal debtors, were the incompetent class of Indians; and with considerable difficulty I succeeded. The other creditors of the Indians, upon learning the course adopted by the creditors of the party mentioned, agreed to risk the payment of their money on the west of the Mississippi; and the whole nation was removed without further difficulty.

I have learned that many of the creditors of the Indians now charge me with having practised a fraud upon them in the course I pursued, which has induced me to ask you to present the whole matter to the proper department, calling their attention to the operation of the laws of Mississippi over the Chickasaw Indians, and the great injustice which will be done to many of the creditors, particularly such as furnished them with the necessary articles for their travel, which they had not the means to pay for, owing to their money having been placed in the hands of the Government; and no one can for a moment entertain the opinion that the Government would aid the Indians in evading a just debt, as it has recognised creditors of all tribes, and paid their debts out of their annuities and other means, thereby countenancing the credit system with them. Until the refusal of the Government to pay over that fund, I had supposed it one of the express stipulations of the treaty that it should do so when the proper application was made, and one which they could not refuse. The incompetent Indians are

certainly entitled to it, in exclusion to those determined to be competent, and who have received the proceeds of their reservations. They were competent to take reserves, not for the benefit of the competent Indians, but for their own benefit; and the treaty made the chiefs competent to determine when they should receive it.

Your perfect knowledge of the operations of the laws of Mississippi over the Indians, and the history of their operation and removal, make it unnecessary for me to make suggestions to you, to aid you in presenting the matter in its true light.

Very respectfully,

JAMES DAVIS.

HON. DAVID HUBBARD:

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G 5.

WAR DEPARTMENT, *May 28, 1840.*

The department is persuaded, from the testimony exhibited by Mr. Love, that the incompetent Chickasaw Indians are largely indebted to him, and that it is probable the peaceable removal of those Indians is in part due to the advances made by him to their creditors; still, as the money belonging to them, and arising out of the sale of their lands, has been placed in the general fund belonging to the nation, and cannot, according to the provisions of the treaty, be drawn from it until the chiefs in council shall think it advisable to pay it to the claimants, or to those who may rightfully claim under them, the department can make no payment to Mr. Love without obtaining the consent thereto of the chiefs, in the manner required by treaty.

It appears that their assent was given at one time, but afterwards withdrawn, which renders it necessary to renew the application, which the Commissioner of Indian Affairs will cause to be done with as little delay as possible; and he is hereby authorized to pay over to the said Benjamin Love any money now in his hands arising from the interest of this portion of the Chickasaw fund.

J. R. POINSETT.

This order, except the part of it relating to the application of the interest due, will be extended to all claims of a similar character.

J. R. P.

MAY 29, 1840.

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H 1.

HOUSE OF REPRESENTATIVES, *May 23, 1840.*

SIR: Enclosed you will find the communication of Colonel Felix Lewis, of Mississippi, and I wish to call your particular attention to its contents and its request.

I know that the agents of the Government and the chiefs of the Indians repeatedly assured the persons interested, that if they would not harass the Indians in the collection of their debts, but aid in their removal, they should

be paid the uttermost farthing immediately on their arrival at their new homes. I know, also, that this promise has not been kept. These agents and chiefs may have had no authority to make such representations and promises; but the persons interested believed the Government would adopt and carry out their promises to the people. I believe, also, that had this promise not been made, it would have been extremely difficult, if not impracticable, to have removed them at all, without a resort to arms. I hope this subject will receive your early and favorable consideration.

Yours, respectfully,

J. THOMPSON.

Hon. T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs.*

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H 2.

HOLLY SPRINGS, MISS., May 4, 1840.

DEAR SIR : As the representative and friend of those interested, I have thought proper to ask your attention to the question of the application of the incompetent Chickasaw fund. Your residence at the place, and familiarity with the circumstances and principles involved, will enable you to appreciate the true merits of the question.

You know that, according to the provisions of the treaty, the parental care of the Government was so far extended over this people as to protect them, in case of *individual incompetency*, against the superior sagacity of those with whom the new state of circumstances would place them in contact. The competents, who, according to any *rational* rule on the subject, would have numbered very small, were, by a most liberal construction of restraint seriously affecting their rights, very numerous, received their money and disposed of it at their will. The incompetents, on the other hand, were, both in disposing power and the receipt of their money, to look to trustees provided by the law, who would better manage their affairs than they were presumed capable of doing. Their wants were as pressing as their more-favored brothers, and their rights as perfect; but, for *their benefit*, it was deemed advisable not to punish them for their misfortunes, but, the more *certainly* to secure them the enjoyment of their only dependence, to provide for their removal and furnish them means of commencing to live in their new country. This just and practical view of the case, you know, was entertained and acted upon, preparatory to their removal. It was supposed, without doubt, that they would, before emigrating, receive enough money to furnish them with necessaries preparatory for the emigration. Adopting this opinion, credit was given them, valuable goods and other property were purchased, under the supervision of those who were capable of protecting them against imposition, and with the tacit approbation of those representing the interest, and, as was supposed, the views of the Government. When the arrangements were completed, and the money expected and demanded, their chiefs, their legal advisers, the agent, and especially the immediate representative of the President, (General Carroll,) supposed it would be more agreeable to make adjustments beyond the Mississippi river; more time and deliberation, with equal certainty of justice to all parties, would be secured. The claims were regularly made out and produced, with a view to subject them to the laws of Mississippi, as other citizens. Much confusion and discontent pre-



ailed. Colonel Reynolds, the agent, General Carroll, the approving agent, Colonel Upshaw, the emigrating agent, and the chiefs, assembled and addressed the citizens—recommended forbearance and postponement, with distinct assurances that in good faith the debts would in future be paid. Such pledges, from such a source, had the effect. After their arrival west, they were in a destitute condition, and would have suffered, *if not starved*, (after the Government stopped furnishing them,) but for the assistance afforded them by traders. This is not pretended as the motive, but the act was as certainly a measure of timely relief as if it had been so. Those people felt it so, and, as an evidence of the fact, their most solemn act in council recommending and directing this fund to be paid during last year. Information was then received, that the money had been invested by the Government, and was not available. And now, to the utter astonishment of every body, we have recently learned that, through some influence unaccountable to us, they have lately held another council, and reversed their former petition. This act of perfidy would certainly, if sanctioned by the Government, be an adroit mode of robbing those interested of their just and equitable rights. But is it possible, in the actual position of this case, that they will be permitted to swindle citizens of this country out of their lawful and just rights? Will our Government, who have the power, and whose guardianship is exerted for good, tolerate such a measure? The usual slang of Indian robberies will not apply to cases *indiscriminately*, because at times true. Numbers of your friends will be ruined by this disappointment.

The treaty is of easy construction, and is the supreme law of the land. An intimation of the kind comes too late now upon a community already borne down with embarrassments and disappointment. We had hoped that this matter would have met a favorable termination ere this. Will you have the goodness to apply to the proper and most authentic sources, and tell us specifically what we may depend on?

Let me hear from you in ten days, if possible; and if political favorites are to be sustained, at the expense of law and justice, we want to learn it at once. We will then try other sources of inquiry and examination, to protect our rights. Congress will do us justice in this matter, and we wish the matter brought up immediately, unless we have assurances that it can be settled without. The facts are notorious, and the claims are just beyond a doubt. In order that you may be the better apprized of the virtue of these claims, I will give you a list of the most of the claimants. Let me hear from you in a few days.

Most respectfully, your friend and obedient servant,

FELIX LEWIS.

*A list of the claimants.*

Jeffries & Bradford.

Martin English & Co.

John Bell.

Robert Hanells.

Wat & Persell.

David Stark's estate.

James A. Blanton's estate.

Joel Pinson.

Henry Cook.

Paul Barringer.

E. P. McDowell & Co.

Turnell & Powell.

John T. Brooks & Co.

Weaver & Wiley.

Joseph Mathews.

Kenith Clark & Co.

Besides these, there are several others, all of whom are highly respectable citizens, and most of them your personal and political friends. The Government ought to pay these claims. Their representatives pledged themselves that it should be done as soon as the emigration was complete.

I hope you will give this your prompt attention. Yours,

F. LEWIS.

Hon. JACOB THOMPSON.

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I 1.

WAR DEPARTMENT,

*Office Indian Affairs, June 1, 1840.*

SIR: I received the letter of James Davis, Esq., addressed to you under date of 6th ultimo, on the subject of the application of the money invested by the Government for the incompetent Chickasaws to the payment of debts alleged to be due by them.

It is represented that the creditors of these people permitted those of them who were declared incompetent to manage their own affairs by the Indian commissioners, under the fourth article of the treaty of 1834, to emigrate, on the understanding that the money would be paid the Indians west, and enable them to discharge the debts they owed. In order that the matter may be understood by you, I will state that the above article provides, that when the Indians are not, in the opinion of the king and six other Chickasaws, capable of conducting their own interests, their reservations might nevertheless be sold on certain conditions; one of which was, that the consideration paid for them "shall remain as part of the general Chickasaw fund, in the hands of the Government, until such time as the chiefs in council shall think it advisable to pay it to the claimant, or to those who rightfully claim under such claimant, and shall so recommend it." The sum realized by these sales was invested by the department in 1836 and 1837.

This is said to be without authority. You will observe, the money was to remain as part of the general Chickasaw fund, which, by the 11th article of the treaty of 20th October, 1832, was to be invested in stocks; and if the incompetent fund was to make a part of it, the power to invest, and, it seems to me, the duty, follow; for the fair presumption was, that people incompetent now would, with perhaps a few exceptions, continue so; and, on the face of the treaty, the fair conclusion was, that it was intended, by this very mode of placing the money at interest, to secure them the interest of it, and prevent them from wasting the principal. The fourth article of the treaty of 1834 does not contemplate, whatever may have been the misunderstanding of its provision as written, that the incompetent fund shall be paid to the Indians on their arrival west. It was to be held by the Government until the chiefs in council should think it advisable to pay it to the claimant, and so recommend it. They did ask for its payment, but the department (before and since I was in this office) declined to pay it, from an apprehension that the principal would be wasted; and lately, the chiefs in council, having changed their views, have expressed the determination and wish that the money should remain where it is, and the interest only be paid to the Indians.

In consequence of the representations now made of the indebtedness of those Indians, the Secretary of War has directed an application to be made to the chiefs in council, for their assent (which their late memorial, requiring that the interest only be paid, has made necessary) to the payment of the principal money, or so much of it as may be required to discharge their debts. I shall cause this application to be made as soon as it can be done, and, if it is successful, take other measures to have the debts, *due and owing*, ascertained by the superintendent of the Western Territory, with a view to their payment.

Very respectfully, &c.

T. HARTLEY CRAWFORD.

Hon. THOMAS H. BENTON,

*United States Senate.*

[Same to the Hon. Jacob Thompson, House of Representatives, referring to letter from Felix Lewis to him, under date of 4th May last.]

K 1.

CHICKASAW AGENCY, NEAR FORT TOWSON,

*August 23, 1840.*

SIR: As Captain William Armstrong, acting superintendent Western Territory, has not yet returned, I have thought proper to communicate direct with you, which I hope will meet your approbation. I have the honor to enclose herewith a memorial of the chiefs and commissioners of the Chickasaw tribe of Indians to the President of the United States.

I will here remark, that the memorial sent on in April last created great dissatisfaction in the nation, and really, at one time, I thought would cause considerable difficulty. So far as my observation extends, those Indians who are called incompetent really stand in great need of assistance. They have no stock, either of hogs or cattle, and are destitute of clothing and provisions. The dictates of humanity compel me to inform you of their situation.

I have the honor of being your obedient servant,

A. M. M. UPSHAW,

*Chickasaw Agent.*

Hon. T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs, Washington City.*

K 2.

COUNCIL GROUND, NEAR FORT TOWSON,

*August 12, 1840.*

*To our great father the President of the United States:*

We, the chiefs and commissioners of the Chickasaw tribe of Indians in council assembled, respectfully show: That advances in money, and such property valued and agreed upon at a fair money price, were made to that portion of our people who were declared incompetent by the treaty

of Washington, (1834,) to a considerable amount ; and, at the time of our removal, the collection of the same was pressed and urged with such perseverance and rigor as to imprison many of them, as citizens of Mississippi, and subject to her laws ; when various of our brethren and other officers of the Government gave such assurances of the faithful execution of the treaty as would soon pay such advances as aforesaid ; and three different applications having been made for the payment of the incompetent fund by the Government, as would enable our people to comply with the assurances aforesaid, and relieve our friends from the responsibility assumed, which, in some cases we learn will be ruinous, and the payment having still been withheld, we did, by our friend and agent, Colonel A. M. M. Upshaw, in April last, forward a memorial, requesting the payment of the interest on said fund. Having now learned that, in consideration of the premises, you would pay the principal as well as the interest due and accruing for the objects aforesaid, we entreat you by this memorial to order the payment of the same, under such regulations to secure a proper application of it to the debts aforesaid, as in the wisdom of the President shall seem meet and proper.

We have confidence that our acting superintendent, Captain William Armstrong, will settle justly the evidence of our indebtedness, and shall be pleased to confide to him the duty of so doing, having learned that he is conversant of the contemplated arrangement.

With feelings of high regard, we are your friends and brothers.

Done in council, this 12th day of August, 1840.

ISH-TE-HO-TO-PA, King and Commissioner, his + mark.

BENJAMIN LOVE, Commissioner.

JAMES COLBERT, Commissioner.

ISH-TIM-O-LAT-KA, Chief, his + mark.

ISAAC ALBERSON, Commissioner, his + mark.

PIST-TA-LA-TUBBY, Chief, his + mark.

WILLIAM MCGILLORY, Chief, his + mark.

TOM-SHE-KO, Chief, his + mark.

E-HI-O-CHE-TUBBY, Chief, his + mark.

ISH-TE-U-KA-TUBBY, Chief, his + mark.

ILLA-PERMBY, Chief, his + mark.

YEM-MIT-TUBBY, Chief, his + mark.

E-BAR-KA-TUBBY, Chief, his + mark.

CHICKASAW-NAH-NUBBY, Chief, his + mark.

UB-BIT-TIM-YA, Chief, his + mark.

E-BAR-MA-TUBBY, Chief, his + mark.

IN-KI-YEA, Chief, his + mark.

Witness:

SLONE LOVE, *United States Interpreter.*

JAMES GAMBLE.

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L 1.

CHOCTAW AGENCY, *January 5, 1841.*

SIR: I have the honor to lay before you my letter of instructions to Colonel Upshaw, Chickasaw agent, based upon yours to me of 2d June,



1840, directing an investigation of the accounts of Benjamin Love, and citizens of the United States, against incompetent Chickasaws. Before addressing Colonel Upshaw upon the subject, I had an interview with the Chickasaw commissioners in relation to the claims. I explained fully to them the object of the department in ordering the investigation, and pressed upon them the necessity of a strict and thorough examination into the accounts that were presented. The investigation was very tedious, and, from the report of the agent, Colonel Upshaw, I have every reason to believe that full and ample satisfaction of the justice of the debts was exhibited before the accounts were allowed. The debts of the incompetent Chickasaws are earnestly desired to be paid by the nation, especially the commissioners. They believe that the treaty gave them some control over this description of debts; and the general expectation has been, that the whole amount would be paid. It is, indeed, under this impression that the debts to this particular class were made, and most generally with the knowledge of the commissioners. The class of Chickasaws declared incompetent have had no means to live on, and have really been compelled to go in debt, from time to time, to enable them to live. They removed from Mississippi to their present homes, and have been greatly pressed for money. There is also some uneasiness felt by the nation, for fear these debts should be brought against the nation, if they are not liquidated by the incompetent Chickasaws who created them. They say that this fund belongs to individuals who have gone in debt on the strength of this fund; that the nation have already a large national investment, and therefore they would prefer the whole amount due the incompetents paid.

I would remark, that the Chickasaw commissioners are intelligent men, and understand fully the nature of the accounts on which they acted. The individuals owing the debts were also desirous that the accounts allowed should be paid from the funds invested for their benefit, provided the claimants would take stock. I therefore submit the whole papers, for your decision. You will see, from the notice which I caused to be placed through the country, that ample time has been given to bring all the claims; and, while the commissioners and chiefs requested the debts to be liquidated, they wish it understood that hereafter nothing will be done in aid of collecting debts in any way; that they in most instances were instrumental in getting credit from *traders*, to enable these people to subsist; that they were settled on Blue and Boggy, &c., and beyond where Indians had formerly lived; and unless the traders had furnished them with provisions, &c., they must have suffered severely. They therefore feel under peculiar obligations to see these debts paid.

Very respectfully, your obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs, Washington City.*

L 2.

*Extract from letter of William Armstrong, acting superintendent of the Western Territory, to A. M. M. Upshaw, dated October 6, 1840.*

You will also receive copies of certain letters from the department, in relation to paying Benjamin Love, from the interest now to be paid the incompetent Chickasaws, as far as the several amounts will go, and for the transfer of stocks owned by incompetent Chickasaws, to pay Colonel Love and citizens of the United States. The letter of the department is so full and explicit that it is considered only necessary to give you a copy to carry out the instructions. I would remark, however, that in examining accounts you will satisfy yourself fully of their being correct, and have the chiefs, or as many of them present as you can get. Report fully upon the whole subject, as required by the department.

Very respectfully, your obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

Colonel A. M. M. UPSHAW,

*Chickasaw Agent.*

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L 3.

All persons having claims against incompetent Chickasaws will present them, properly authenticated, to the agent and commissioners, that the same may be examined, and, if found correct, submitted to the office of Indian Affairs, for further action, according to instructions dated May 28, 1840.

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

This advertisement was put up at the agency at Doakville and at the Boggy depot.

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L 4.

CHICKASAW AGENCY, *December 29, 1840.*

SIR: According to your orders, I, with the assistance of the chiefs and commissioners of the Chickasaws, commenced the examination of claims of citizens of the United States, and some of the Chickasaws, against the incompetent Chickasaws, on the 20th of November ultimo, and finished our investigations this day. In examining the claims, the greatest attention was paid. The indebtedness was generally acknowledged, or proven by witnesses, to the entire satisfaction of the commissioners; and, from the time it took to examine the notes and accounts, being six weeks, it appears that great caution was taken by the commissioners. I herewith send you the claims, for your investigation. Benjamin Love's claims are from schedule No. 1 to No. 9, inclusive, containing one hundred and nine

notes and accounts, amounting in all to eighteen thousand four hundred and thirty-one dollars and seventy-one cents, (\$18,431 71.) Daniel Saffarans and Felix Lewis's claims against incompetent Chickasaws, in schedules No. 10 to No. 17, inclusive, containing one hundred and five notes and accounts, amounting to twenty-two thousand five hundred and twenty-three dollars and eighty-seven cents, (\$22,523 87.)

Penn & Lewis's claims against incompetent Chickasaws are schedules No. 18 to No. 48, inclusive, containing three hundred and seventy-one notes and accounts, and amounting to thirty-two thousand four hundred and forty-three dollars and sixty-nine cents, (\$32,443 69.) Daniel Saffaran & Co.'s claims against incompetent Chickasaws are schedules No. 49 to No. 63, inclusive, containing one hundred and thirty-two notes and accounts, and amounting to twenty thousand one hundred and seventy-six dollars and ninety-three cents, (\$20,176 93.) Daniel Saffarans, James Colbert, Thomas Colbert, Charles Colbert, Isaac Alberson, and Slone Love's claims against incompetent Chickasaws are schedules No. 64 to No. 102, inclusive, containing four hundred and thirty-eight notes and accounts, amounting to sixty-eight thousand four hundred and nine dollars and forty-eight cents, (\$68,409 48.) The commissioners and chiefs wish the above-named claims paid; but say, as notice had been given, that, as they have been in session so long, and no other claims were presented that they believed just, that, should any be presented hereafter, they will not act on them, and that the holder must wait until the individual gets his money and is willing to pay. Any persons hereafter crediting the Chickasaws must run the hazard of getting the money without the assistance of the chiefs or commissioners. It is the wish of all the Chickasaws, so expressed in council, that the remainder of the incompetent money should be paid to the Indians claiming it, at the same time that the general interest will be paid, in 1841.

Very respectfully, your obedient servant,

A. M. M. UPSHAW, *Agent.*

Major WILLIAM ARMSTRONG,  
*Acting Superintendent, &c.*

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M 1.

WAR DEPARTMENT,  
*Office Indian Affairs, March 22, 1841.*

SIR: As the best evidence of the intention and wishes of the department respecting the payment of debts alleged to be due by incompetent Chickasaws to Benjamin Love, and citizens of the United States, I have the honor to submit copies of the following order of the Secretary of War of May 28, 1840, and of the letter of instructions founded thereon, from this office, to the acting superintendent of the Western Territory, of June 2, 1840:

“WAR DEPARTMENT, *May 28, 1840.*

“The department is persuaded, from the testimony exhibited by Mr. Love, that the incompetent Chickasaw Indians are largely indebted to him, and that it is probable the peaceable removal of those Indians is in part due to the advances made by him to their creditors. Still, as the money belonging to them, and arising out of the sale of their lands, has been placed

in the general fund belonging to the nation, and cannot, according to the provisions of the treaty, be drawn from it until the chiefs in council shall think it advisable to pay it to the claimants, or to those who may rightfully claim under them, the department can make no payment to Mr. Love without obtaining the consent thereto of the chiefs, in the manner required by treaty.

"It appears that their assent was given at one time, but afterwards withdrawn, which renders it necessary to renew the application, which the Commissioner of Indian Affairs will cause to be done with as little delay as possible; and he is hereby authorized to pay over to the said Benjamin Love any money now in his hands arising from the interest of this portion of the Chickasaw fund.

"J. R. POINSETT."

"WAR DEPARTMENT,

"*Office Indian Affairs, June 2, 1840.*

"SIR: By the 4th article of the treaty of 24th May, 1834, with the Chickasaws, an Indian committee was appointed, consisting of the king and six other individuals, whose duty it was to ascertain and certify who of the Indians holding reservations were capable of transacting their own affairs, and qualified to dispose of their property. The lands of such as are incapable might be sold on their recommendation, on certain conditions; of which one was, but the consideration 'shall remain as part of the general Chickasaw fund, in the hands of the Government, until such time as the chiefs in council shall think it advisable to pay it to the claimant, or to those who may rightfully claim under such claimant, and shall so recommend it.' The 11th article of the treaty of the 20th October, 1832, provided for the investment of the general fund 'in safe and valuable stocks, which will bring them in an annual interest or dividend, to be used for all national purposes, leaving the principal untouched, intending to use the interest alone.' The same provision is made in substance in the 2d clause of the 11th article of the treaty of May, 1834. If the national fund is to be invested, as it must be, and the incompetent fund was to remain as part thereof, there would seem to be not only power, but that it was a duty, to invest the latter as well as the former.

"The *chiefs* in council would have a right, under the 4th article, to ask and recommend that it be paid to the claimants. They have done so, (as well since as before I was Commissioner of Indian Affairs.) The department declined complying with their wishes, because it was believed, if they were properly declared incompetent before the sale of their property, they remained so, with few exceptions; and that to pay them the principal would be to give it to waste and destruction, whereas the interest might be to them a source of perpetual comfort. Lately, the chiefs in council have arrived at the same conclusion, and have asked the Government in a memorial to retain the principal, and pay them the interest only.

"But it is now alleged that these incompetent Indians are legally indebted, and that the understanding was, and by that understanding they are allowed to emigrate by their creditors, that the principal sum due for their reservations sold should be paid them west. It is a misapprehension to suppose that the treaty as written contemplates the payment of this money on their arrival west, whatever may have been the idea entertain-



ed by the creditors of the Indians. It was to be paid only when the chiefs in council asked for and recommended it. Upon the face of the treaty, the inference is, that it was meant to remain in the hands of the Government, for the use of incompetent persons, unless when, in particular cases, the chiefs should think they could take care of their own affairs.

"The Secretary of War has directed, in lieu of the claims of Benjamin Love and citizens of the United States against the incompetents, that you will apply to the chiefs in council, under that clause of the 4th article of the treaty of 24th May, 1834, which says the incompetent funds raised 'shall remain as part of the general Chickasaw fund, in the hands of the Government, until such time as the chiefs in council shall think it advisable to pay it to the claimant, or to those who may rightfully claim under such claimant, and shall so recommend it. You will therefore make this application with as little delay as possible, and report the result of it to this office. If it be successful, steps will be immediately taken by you to ascertain what these Indians are really indebted to Benjamin Love and the citizens of the United States who shall, upon full public notice by you, prefer claims against them.

"It is impossible to say precisely what course will be best calculated to elicit truth. Your own experience of Indian temper, of Indian wants, and their mode of dealing, will enable you to do justice. It is important and indispensable that your inquiries should be of the most rigid character; for these Indians, who were declared incompetent at the time their lands were sold, cannot now be supposed very capable to resist unjust claims. Such evidence of their indebtedness should be required as will satisfy your conscience; acknowledgments by such persons are of little if any value, especially while east, when they were under actual or anticipated constraint. Books and accounts should be produced, or evidence of equivalent force; notes or bonds or agreements to pay being regarded as easy of procurement from all uncultivated Indians, particularly from those whose capacity is so limited. Public notice should be given, and the presence of the alleged creditors, as well as that of the debtors, be had.

"So far as you may ascertain debts to be due to Benjamin Love, the order of the Secretary of War directs the application of the interest, which will be furnished you, to their liquidation. In paying them, you will observe that it is not intended to pay the same, or any portion of it, in gross, but that each Indian must be individually liable for his own debts; and, of course, only so much interest as may be due to the debtor can be applied to his own debt.

"When you have concluded the investigation as to all the debts, you will report, that measures may be resorted to for meeting them. I think the creditors ought to take stock for their several debts at par. This you will please procure, and an agreement from them, in writing, to receipt in payment, and forward it with your report. Upon any other plan, great delay and loss will both occur. Benjamin Love agreed to this form of payment.

"I accompany this by a copy of the order of the Secretary of War, which will put you in full possession of his views.

"Very respectfully, your obedient servant,

"T. HARTLEY CRAWFORD:

"WILLIAM ARMSTRONG,

"Acting Superintendent Western Territory,

"now at Washington, D. C."

In consequence of these directions, the superintendent, under date of 6th October, 1840, instructed the agent of the Chickasaws to carry out the views expressed. Full notice was given; and on the 29th December, 1840, the agent reported to the superintendent, that "I, with the assistance of the chiefs and commissioners of the Chickasaws, commenced the examination of claims of citizens of the United States and some of the Chickasaws, on the 20th of November ultimo, and finished our investigations this day. The indebtedness was generally acknowledged, or proven by witnesses, to the entire satisfaction of the commissioners; and the time it took to examine the notes and accounts (being six weeks) shows great caution was taken by the commissioners. I herewith send you the claims, for your investigation." The agent recites the aggregate of the demands, and reports, further, that "the commissioners and chiefs wish the above-named claims paid; but say (as notice has been given) that as they have been in session so long, and no other claims were presented that they believed to be just, that, should any be presented hereafter, they will act on them, and that the holder must wait until the individual gets his money, and is willing to pay. Any person hereafter crediting the Chickasaws must run the hazard of getting the money without the assistance of the chiefs or commissioners. It is the wish of all the Chickasaws, so expressed in council, that the remainder of the incompetent money should be paid to the Indians claiming it at the same time that the annual interest will be paid, in 1841."

The superintendent, in communicating to this office the acts of the agent and commissioners, states that, before he committed the matter to the agent, "I had an interview with the Chickasaw commissioners, in relation to the claims. I explained fully to them the object of the department in ordering the investigation, and pressed upon them the necessity of a short and thorough examination into the accounts that were presented." He represents that the Chickasaws, and particularly their commissioners, are very anxious for the payment of the debts of the incompetents; that the general impression was, the whole amount would be paid, and that with this expectation the debts were made, and generally with the knowledge of the commissioners; that these Indians have had no means of living at their command, and have therefore become indebted, for the payment of which the Chickasaw nation is apprehensive their general fund may be looked to, if not now fixed as proposed, and they desire the incompetent money paid entire.

The commissioners, the superintendent observes, "are intelligent men, and understand fully the accounts on which they acted." The desire expressed for the liquidation of the debts reported, which is concurred in by the debtors, is, however, on the condition that the stock held for them be taken by the creditors; and the chiefs and commissioners "wish it distinctly understood, that, hereafter, nothing will be done in aid of collecting debts in any way." The various papers connected with the debts and their establishment were also submitted. I annex lists showing the several creditors and debtors, and the amounts due, as returned. This, I believe, gives a full idea of all that has been done.

The treaty of 1834 (fourth article) provides a Chickasaw commission, whose certificate of the capacity of the reservee whose land may be sold shall be necessary to the validity of the sale; but "where such certificate is not obtained upon the recommendation of a majority of the delegation, and the approval of the agent, at the discretion of the President of the

United States, the same may be sold; but the consideration thereof shall remain as part of the general Chickasaw fund, in the hands of the Government, until such times as the chiefs in council shall think it advisable to pay it to the claimant, or to those who rightfully claim under said claimant, and shall so recommend it." Under this power of investment, and paying over on the authority of the commissioners' recommendation, the late Secretary issued the order recited, and the instructions copied into this report were given. The amount of debts certified by the commissioners and the agent of the Chickasaws to be just and due is contained in separate certificates, of which I have caused lists to be made, and now submit them herewith. The words of the treaty are, "until such time as the chiefs in council shall think it advisable to pay it," &c. The certificates are signed by a majority of the commissioners as such; but the report of the agent to the superintendent says, "with the assistance of the chiefs and commissioners of the Chickasaws, he commenced the examination of claims," &c. And again: "It is the wish of all the Chickasaws, so expressed in council, that the remainder of the incompetent money should be paid to the Indians claiming it." The report of the superintendent to this office says: "The debts of the incompetent Chickasaws are earnestly desired to be paid by the nation." And again: "While the commissioners and chiefs requested the debts to be liquidated, they wish it understood that hereafter nothing will be done in the way of collecting debts." The commissioners themselves are chiefs, and make a majority of the chiefs of the nation; and the investigations are conducted in open council, and on a public occasion, when the incompetents are receiving interest on invested money, as I learn from the acting superintendent, Major Armstrong, who believes the investigations to have been thorough. The provision of the treaty has therefore been complied with, and the gentlemen now claiming to receive the money on the certificates are claimants under those incompetents. They are willing to take stock at par, after the interest due those indebted shall be applied to the liquidation of the debts. The interest was applied in the case of Benjamin Love's claims by the express direction of the Secretary of War last year; and I can see no good reason why the same course should not be taken now as to the claims under consideration. It is due to the claimants, whose debts have been ascertained as before recited, as they take stock at par, which it is known will not command any such price in the market, that they should receive whatever cash is due to their debtors in the shape of interest—and it will retain for the Indians so much stock, for which they will receive interest.

The amount of the debts, as was ascertained, is \$166,181 63—and the interest now due and applicable is \$15,537 80, which will leave of stock belonging to the Indians indebted \$142,990 61, to be applied to the discharge of the debts ascertained, and a balance of indebtedness amounting to \$7,653 22 which there were no funds to meet. Most of the Indians will still have large sums due them, but in some cases the whole of the stock and interest will be absorbed, and they will be still in debt.

It seems to be the desire of the Indians that these debts should be paid; the Government, through the War Department, directed that they should be ascertained, with a view to their liquidation; and I have the honor to recommend that the interest severally due the respective debtors should be first applied, and that afterwards the stocks standing to the use of Chickasaw incompetents generally should, in the proportion to which each of those

Indians proved indebted are entitled by the records of the department, be transferred by you to the creditors, according to the amounts due them, respectively. The papers annexed, together with the recitals in this communication and the treaty, explain the whole fully.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. JOHN BELL,

*Secretary of War.*

Approved:

JOHN BELL.

N 1.

WASHINGTON, *March* —, 1841.

SIR: Under the fourth article of the treaty of Washington, between the United States and the Chickasaw nation of Indians, certain reservations were authorized to be sold without the usual certificate of competency having been given by the commissioners, as required by said treaty. When a reservation was thus sold, it was provided and required, "that the consideration thereof shall remain as part of the general Chickasaw fund, in the hands of the Government, until such time as the chiefs in council shall think it advisable to pay it to the claimant, or to those who may rightfully claim under said claimant, and shall so recommend it." The Chickasaw commissioners who negotiated that treaty are intelligent, and most of them well educated men, and they clearly foresaw the necessity of providing a fund out of which the careless and prodigal of their people might be supported, and furnished anew with the means of living after their arrival in the west. The Chickasaws were about to abandon their homes, their stock, their implements of husbandry, and all their little conveniences were to be left behind them. They had selected and were about to occupy a country far in the west, beyond any other tribe of Indians, and where, in the state of destitution in which they would arrive, it would be impossible for them to obtain supplies without money. To provide for this exigency, doubtless, this provision was incorporated in the treaty. It would seem, too, to have been the expectation of its framers, that, while this fund remained in the hands of the Government, it would be a foundation upon which the reservees, eventually entitled to receive it, might bottom a credit, and thereby furnish themselves with such things as were necessary for their comfort and subsistence. That this was their design seems further apparent from the fact, that while all the funds arising from the general sale of the Chickasaw lands, and those arising from the sale of the orphan reservations, were to be invested by the Government in some "safe stocks," this was "to remain in the hands of the Government," to be always ready to meet the exigencies of the claimants. This forethought of the commissioners, it must be apparent to you, sir, has been productive of incalculable good to the Indians. The Chickasaws were emigrated in 1837, and no general annuity has yet been paid to them. They were in great want; and when the commissioners called on the Government for the money arising from the sales of lands belonging to incompetent Indians, and which they had a right at any time to do, it was ascertained that, from



some oversight or misconstruction of the treaty, this fund had been invested with the general Chickasaw fund in State stocks, and that it was perfectly unavailable for the purposes for which it was required. Under the circumstances, sir, the statements of the Chickasaw agent, confirmed by the reports of the chiefs and commissioners, and of the general superintendent west, all go to establish the fact, beyond controversy, that but for the credit which this fund gave to the Indians, many of them must have perished of exposure and want. Lying around the issuing depots while they were fed by the Government, and taking no thought of the morrow, when the issues of provisions ceased many of them were found without any preparation or means for support, and many of them must have died, had not the undersigned come forward and furnished them with blankets, clothing, provisions, &c., relying on this fund for eventual payment. This was done by us at the request of the commissioners; and at their request, also, we furnished many of the Indians with cattle, hogs, and other necessities, under a pledge from them that we should be reimbursed out of this fund.

This pledge, so far as the commissioners are concerned, has been faithfully redeemed. They have audited our accounts, and given us the certificates necessary to authorize the Government to pay us our demands. This has been done, and a portion of these stocks, equal to the amount of our claims, has been transferred to us. This has left in the hands of the Government a considerable sum belonging to the incompetent fund, and which the commissioners have petitioned the department to pay over to the several claimants at the annuity this year—the sums due to the several claimants varying very much in amount, some being entitled to their whole deposit, while others are entitled to a very small sum; but each and all of them are pressing for its payment, and the necessary certificates have been given by the commissioners to authorize them to receive it. The money, however, is invested in stocks, and these stocks would be valueless in the hands of the Indians, and the Government cannot now dispose of them but at a ruinous sacrifice. The Indian claimants want it, to buy cattle, hogs, and other necessities, and delay would be fatal to many of them. We respectfully ask, then, whether, if the commissioners authorized it, and the several claimants interested in this fund wish us to furnish them with stock and such other articles as they may need, and under the same restrictions that have heretofore been placed upon us, the department will sanction and pay such of our claims as may be properly certified by the commissioners, provided we will take a transfer of stock at par in payment. By adopting this course, we are satisfied that the department will be saved from the importunities of the Indians, and the Indians themselves from great distress and suffering.

With great respect, we have the honor to be your obedient servants,  
 DANIEL SAFFARANS.  
 FELIX LEWIS.

Hon. JOHN BELL, *Secretary of War.*

The preceding letter was received at the Indian Office from the War Department, with an endorsement as follows: "No answer necessary."

O 1.

CHOCTAW AGENCY, *August 26, 1841.*

SIR: The accompanying papers will inform you that Messrs. Saffarans & Lewis have continued the purchase of stocks and interest with the incompetent Chickasaws. This has been done at the earnest solicitation of the Indians themselves, who represent to the commissioners or chiefs their needy and destitute situation, and urge their consent to their trading their stock; and the chiefs have agreed to the request of the Indians, and, as I understand, examine the accounts, and, when satisfied of the correctness of the same, recommend payment. I have seen that Messrs. Saffarans & Lewis have brought to the Indian country a very large and extensive assortment of goods, amounting as is said to some forty or fifty thousand dollars; they also have furnished a number of stock animals in payment to these Indians. The original design, as the chiefs say, was that this fund should be retained for the wants of these Indians after their removal. The treaty provides for the payment of this fund, under the direction or recommendation of the chiefs; and as this meets their approbation, and the incompetent Indians themselves have urged the payment so strongly, guarded as it is by the examination of the chiefs or commissioners, who are men of judgment and discrimination, I can see no reason for objections.

The Chickasaws as a nation are wealthy, with their national investment; from this as yet they have received nothing, but may expect to do so another year. In the mean time, this fund of the incompetent Chickasaws will enable them to procure goods, groceries, stock, &c.

Very respectfully, your most obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent W. T.*

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs.*

O 2.

CHICKASAW AGENCY, *August 20, 1841.*

SIR: At a council of the Chickasaw chiefs and commissioners, held at the depot on Boggy, they decided that it was their wish that the incompetent Chickasaws should purchase, at a fair price, such goods and stock of horses, cattle, and hogs, as they might need, and those persons whom they traded with should receive their stock that was in the hands of the Government in payment. The commissioners are of opinion that these funds will be of much more benefit to them, traded out in this way, than to receive the interest on it every eighteen months, as they have heretofore done. They have examined the accounts of Saffarans & Lewis strictly, and recommend the payment thereof.

I have examined the accounts myself, and find them to be correct, and recommend to the Commissioner of Indian Affairs to pay them in stock, as it is in accordance with the treaty of 24th May, 1834, which is the only treaty the Chickasaws are governed by.

With high regard, I have the honor to be your most obedient servant,

A. M. M. UPSHAW, C. A.

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs.*

BOGGY DEPOT, July 15, 1841.

*To our great father the President of the United States :*

We, the undersigned chiefs or commissioners of the Chickasaw tribe of Indians, feeling for the destitute situation of our people that were declared by the treaty of 1834 incompetent to manage and dispose of their lands, do, now that they are removed, give our free consent, and recommend that such amounts of investments, and interest on the same, as will pay the debts contracted by said incompetent Chickasaws with Messrs. Saffarans & Lewis, since the 1st day of March, 1841, be transferred, so that said stock, with interest, shall bring the incompetent Chickasaws the amount for which the face of each investment calls for. We make this recommendation because we are satisfied that it is but carrying out the 4th article of the treaty, the object of which was, that the amount of money (for we never thought of an investment) should be held by the Government until our removal, when cattle, hogs, horses, farming implements, and such necessities as our people wanted, should be furnished. This is now doing by Messrs. Saffarans & Lewis, who have already had a transfer of a portion of said stock. There is no time at which this investment could do our people so much good. Commencing in a new country, each one wishes to dispose of the investment made for their benefit. As a nation, we have a large national fund, which under no circumstances do we wish disturbed, except the interest; but this is an individual deposite in your hands, and will relieve the needy, and spare us much trouble and vexation when the same shall be expended. They are all acquainted with their rights relating to the 4th article of the treaty; they were much dissatisfied at their being passed incompetent, and having been deprived of the use of their money in the old nation; and the only thing we could say to them was, that, as soon as they came west to their new homes, the treaty would be carried out in good faith, and they then should receive their money. They understand this *well*, and are now pressing us to carry out the pledges we made to them. We have talked numerous times with our incompetent brethren on this subject, and they are all anxious to have this matter carried out as it has been commenced; and we agree with them, as it furnishes them with the necessary means of living. We have always been humble and obedient to our great father the President, and have ever been ready and willing to carry out his views in all things, both in peace and war. We have a fair opportunity of examining the accounts that are made and are making, and, as we are satisfied of their correctness, we have recommended their payment, and hope that the same will meet the approbation of the honorable Secretary of War, and that he will sanction the same. A reference to the treaty will show that the most of us are the same chiefs or commissioners named in the treaty. We remember well the object we had in view by inserting the clause in the treaty giving authority to the commissioners named to pay the consideration to the claimants, or those who may rightfully claim under said claimants, and shall so recommend. We are now beyond the reach of the laws of Mississippi; the debts contracted there have been paid. Ample notice was given to claimants to bring in their claims, under instructions from the War Department. A portion of the stock has been transferred to pay those debts, which we are well

pleased with ; and we hope that all of those old debts have been satisfied, and that they may now have the benefit and privilege of selling and disposing of their balances, or any part thereof, as we may recommend. Whenever an opportunity is given us to examine and see that justice is done them, we will then give our certificates, and recommend payment. Considering ourselves in part the guardians of our people, we deem it our duty to submit our views to the honorable Secretary of War.

ISH-TE-HO-TO-PA, *King*, his + mark.

JAMES COLBERT.

SLONE LOVE.

ISAAC ALBERSON, his + mark.

JAMES WOLF.

A. M. M. UPSHAW, *C. A.*

P 1.

CHOCTAW ACADEMY, *Ky.*, *October 25, 1841.*

SIR : I enclose to you three letters which I have received from my people, and also an extract of a letter from my brother, Thomas J. Pitchlynn, in which you will see the manner in which the funds belonging to that class of Chickasaws who were considered incompetent to manage the avails of the lands granted them by their late treaty with the United States have been bought up by your licensed traders. We have suffered much from speculators ; but if your licensed traders are permitted to defraud and swindle us in this manner, and they not arrested in their graspings at the little we have, the time will come, and that shortly, when we shall be a peeled people indeed. But I have full faith in the purity of the intentions of your Government towards my people, and that you will protect us from wrongs whenever they are made known to you. The Chickasaws are my people. I am allied to them by blood and by many personal and warm friends, whom I have been attached to from the days of my boyhood ; therefore, permit me to call your attention to their wrongs, if there be any, and see that justice is done them.

I am your friend and brother,

P. P. PITCHLYNN.

The foregoing letter was referred to the Secretary of War, with the following endorsement :

“Colonel P. P. Pitchlynn encloses papers charging extravagant and unfair dealing with the Chickasaws by certain traders in the nation. It is submitted for the consideration of the Secretary of War, whether the subject of trade should not be referred to the superintendent, for examination and report to the department.”



## P 2.

*Extract of a letter from Joseph Dukes, dated September 4, 1841, to Colonel P. P. Pitchlynn.*

I am truly sorry to say that Saffarans and his company are now actively engaged in buying up the incompetent Chickasaw funds, or rather robbing of them. If you were here, and saw how they carry it on, you would be perfectly shocked. The goods which the Indians receive for their money are really high; there can be no less than 300 or 400 per cent. put upon the original cost. That was done in my presence, and I am an eyewitness to that fact. The following is generally the price they sell at, although varying according as the circumstances, as you know all unprincipled men trade:

Brown shirting, per yard, 3s. to 4s.; calicoes, common, per yard, 3s. to \$1; bleached, (white,) common, per yard, 3s. and 4s.; Blanket, single, \$10; saddle, plain, \$40; other articles in proportion.

It is said by a number of persons, that Saffarans sold a couple of one year old shoats at \$50 each. Indian ponies which he had bought for \$30 and \$40, he would pass off for from \$100 to \$200; brass spurs, \$10; shawls, from \$30 to \$35. Many other such shocking tales, to which I can hardly give credit; but a gentleman, direct from Blue, told me he believed them to be a matter of fact, and can be proven, that such unexampled extortion is used upon the poor Chickasaws. Now, you will see, when they have made a full sweep of the incompetent Indian fund, their next aim will be the orphans, and, perhaps, even grasp at the general annuity. I do really hope that our Legislature, in their next meeting, will examine into these matters, and have these white merchants removed out of the nation. I believe the Chickasaw treaty is so stipulated, that the commissioners, with their agents, have the whole of the funds in their control; and by their order the money can be paid to or withheld from any persons they choose; and if they can get on the right side of these fellows, what is there that they could not do. The only way, in my opinion, to prevent these evils, is to have them removed forthwith. I had well nigh forgotten one thing, which I wanted you to know, though I cannot say it was true, but more than probable it is a fact. You probably heard that R. Jones wrote a memorial, signed by several of the citizens, remonstrating against the proceedings of the speculators, setting forth their true character, and praying for their removal, and forwarded it to Washington. But the memorial did not reach there till these fellows were there, and surmounted every obstacle, (there being no one to advocate the memorial,) and came off triumphant. And, lately, I understand that R. Jones set about again with double exertions, and got all the influential men he could get to sign it, and sent it down to [Colonel D. Folsom;\*] but, unhappily for the memorial, the old [Colonel\*] was as deep in the pie as any of them; instead of getting signatures, presented it to one of the company, and arrangements were forthwith made for R. J. to have a share in the speculation. This is what I have heard said; and every thing seems to indicate of its truth.

\* Obliterated in the original by pen and ink.

*Extract of a letter from A. Robinson to Colonel P. P. Pitchlynn, dated Eagletown, Arkansas, September 27, 1841.*

They are now buying up the incompetent Chickasaw tickets, or claims, on the United States, and paying them in goods and property at full two prices. Calico which D. Folsom and Berthelet sell at three bits per yard, they sell to the Chickasaws at six bits; and other things in the same proportion. I have nothing against our white merchants who are doing a just and honest business for a fair profit; but speculating and fraudulent men should never be permitted to trade in the country. I doubt whether the sun ever shone on an honest land speculator, who made it his business for a livelihood. I have no idea how things will go in council. The Leflore party will be stronger than it was last year; and how they will feel respecting the above subjects I cannot say, but I think the Arkansas and Pushmataha district will go with us; and from what I heard, I think R. Jones will go against the Chickasaw speculators strong. I have also heard that Colonel Isaac Folsom intends to try and put Saffarans out of the nation. When council is over, and I hear the result, I will write and let you know.

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P 4.

*Extract of a letter from R. Wilson to Peter P. Pitchlynn, dated September 17, 1841, post marked Eagletown, Arkansas.*

We find that Saffarans & Lewis have one hundred and fifty thousand dollars of the Chickasaw incompetent money, conveyed to them by the Government when they were at the city last spring. Since that time, they made a rush, and have the balance bought up. They have yet not got the chiefs to recommend the sale of the State bonds. They managed to make them believe that the State bonds were worth but one-half of their value; the other half they paid off in goods at an enormous price. It is said that brass spurs, which cost  $37\frac{1}{2}$  cents, sell for \$10; handkerchiefs, that cost \$2 50, for \$35 to \$50; a small pig sold for \$50; ponies, worth \$25 to \$30, sell for \$200 to \$250, and so on. They have no agent nor friend to go to for advice. It is said that they keep whiskey; and James Colbert, half drunk, to interpret to them. Old Isaac Alberson told me that they had commenced buying the orphan claim of money. So the doors are open to the Chickasaw money, and they will pull out the whole amount, general funds and all, if not put a stop to. There is considerable excitement created among the Choctaws about it, and an attempt will be made to put them out of the nation at the meeting of the Legislature, as they will charge them with swindling. I will try to be there myself, and wish that you could be there with us. If I could be with you, I could tell you a long tale about the matter. Pitman Colbert has not yet got home from Mississippi, and will make some noise about it when he returns. Doak & Tims are also concerned.

P 5.

EAGLETOWN, CHOCTAW NATION,

*September 21, 1841.*

DEAR BROTHER : I have been told that Saffarans & Lewis have purchased two hundred thousand dollars of the incompetent Chickasaw claim. They have left the nation. All the merchants in Doaksville are purchasing them. I think they are a day after the feast. O, how it galls me to think what poor fools the Chickasaws are to allow such conduct to go on, and not inform the Government of it ! I think that every white man who is living in the nation without a Choctaw family ought to be ordered out of it forthwith. They are sucking, as it were, our very veins for the last drop.

THOMAS J. PITCHLYNN.

P 6.

DEPARTMENT OF WAR, *October 30, 1841.*

SIR : I have carefully considered the claims of Messrs. Saffarans & Lewis against certain "incompetent Chickasaws," for stock, provisions, &c., furnished to the Indians by them, amounting to \$84,545 32. These Indians have requested that the claims may be paid by the transfer to Messrs. Saffarans & Lewis of an equal amount of the State stocks held by the United States in trust for them, and the commissioners have sanctioned the request.

Sufficient evidence has been adduced to show that the Indians have freely acknowledged their indebtedness to the whole amount claimed ; but, as these people must be regarded as wards of the Government, it is necessary to show not only that they have willingly contracted debts, but also that the articles furnished them were needed by them, and were charged at reasonable rates. No doubt is entertained as to the general fairness and good faith with which this trade has been conducted ; but, as the decision of the claim may be regarded as a precedent for others, it is necessary to require specific evidence as to the price and delivery of the articles charged.

It is desirable that the claimants should present an abstract of all the merchandise sold to the Indians, stating the number of horses, cows, oxen, wagons, ploughs, &c., with the average price of each ; but where the articles of merchandise were of a miscellaneous character, most of the separate items being of small amount, the aggregate may be stated with proper explanations. This abstract should bear the certificate of the chiefs or commissioners, that they have examined the items of the account of each Indian ; that the abstracts are correct ; and that they are satisfied of the delivery of the articles to the Indians, and the reasonableness of the prices charged. The certificate should also state that the articles were delivered in the presence of one or more of the commissioners, or of some person known to them to be of good character, upon whose representations they are satisfied of the fact.

Very respectfully, your obedient servant,

J. C. SPENCER.

D. KURTZ, Esq.,

*Acting Commissioner of Indian Affairs.*

P 7.

## WAR DEPARTMENT,

*Office Indian Affairs, November 5, 1841.*

SIR: Messrs. Saffarans & Lewis have presented their claims here against the incompetent Chickasaws, which have been acted on and paid in part to Mr. Saffarans; the balance is retained until some additional evidence required by the department is produced.

A few days since, a letter was received from Colonel P. P. Pitchlynn, enclosing four communications, addressed to him, complaining of the manner in which Messrs. Saffarans & Lewis and others have transacted their business with the Chickasaws, and representing that frauds, to an enormous extent, have been practised, in charging exorbitant prices for all articles sold.

The following are some of the statements contained in the letters referred to:

Joseph Dukes says that "Saffarans and his company are now actively engaged in buying up the incompetent Chickasaw funds, or rather robbing them." "There can be no less than three or four hundred per cent. put upon the original cost." The following is the general price they sell at:

Brown shirting, per yard, 3s. to 4s.; calicoes, common, per yard, 3s. to \$1; blanketing, \$10; saddle, plain, \$40.

"It is said by a number of persons that Saffarans sold a couple of one year old shoats at \$50 each. Indian ponies, which he had bought for \$30 and \$40, he would pass off for \$100 to \$200; brass spurs, \$10; shawls, from \$30 to \$35."

Thomas J. Pitchlynn is another who makes representations equally strong.

R. Wilson says Saffarans & Lewis have represented that "the bonds were worth but one-half of their value, and the other half they paid off in goods at an enormous price. It is said that brass spurs which cost 37½ cents sell for \$10; handkerchiefs, cost \$2 50, sell for \$35 to \$50; a small pig sold for \$50; ponies, worth \$25 to \$30, sell for \$200 to \$250."

The representations of A. Robinson are also very strong in relation to traders generally.

These are grave charges; and the Secretary of War has directed that they be investigated by you, and that you report to this office all the facts in the case, in order that justice may be done, as well to the Indians as to Messrs. Saffarans & Lewis.

Very respectfully, &c.

D. KURTZ,

*Acting Commissioner.*

Major WILLIAM ARMSTRONG,

*Choctaw Agency, west of Arkansas.*

P. S. The Secretary of War directs that you withhold your certificate from any of the claims of Messrs. Saffarans & Lewis, until these charges are disposed of.



P 8.

DEPARTMENT OF WAR,

*Office Indian Affairs, November 13, 1841.*

GENTLEMEN: I enclose herewith the copy of a letter from the Secretary of War to this office, by which you will perceive what additional testimony is required, to enable the department to act upon the balance of your claim against the Chickasaw Indians.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

MESSRS. SAFFARANS &amp; LEWIS.

P 9.

*Extract of a letter from D. Saffarans, Esq., to A. M. Lea, Esq., dated  
Baltimore, November 19, 1841.*

Since I returned from New York, my business has taken some little change in its nature. There have been several letters received from the Indian country, charging Messrs. Saffarans & Lewis with selling their goods and stock of all kinds at enormous high prices. This news, I am satisfied, has not come from the Chickasaws; for I am acquainted with all of the principal men in the nation, and they have all been eyewitnesses to more or less of our operations in their country. I have been furnished by the department with extracts from those letters, but not giving me either names or dates. I understand that this business has been all referred over to Captain Armstrong, and the letters or copies have been furnished him. You know that the other matter (to wit: your letter of instructions to him) was sent to him about the time I left for New York. I am now very much at a loss what to be about. I have no fears about the result of this examination; but I am fearful that Captain Armstrong may think this examination will do just as well in the spring as at this time; and if he should take this course, it will ruin us; for we have much business of our own before the War Department, not connected with the incompetent claim at all. One part of it is the orphan claim, which I consulted Mr. Bell and Mr. Crawford upon when I was here last spring, and tried to get some few claims through at that time, but did not have the papers in the proper shape. I have my papers now in the right shape, but do not feel authorized to introduce them, under the present circumstances of matters and things, without some advice from some friend; and I have considerable business to do for my friends in Mississippi, and some of the most influential in North Mississippi, and also of the right stripe. Those extracts that have been furnished me by the department satisfy me what source those charges came from. With a letter I received from our chief clerk at Boggy, he mentions two white Choctaws that have been round to the chiefs and headmen of the Chickasaws with a memorial to get them to sign, to expel all white traders from their nation. In this they did not meet with any success, as they got no signers to it from the Chickasaws. This whole matter is a scheme laid to defeat Saffarans & Lewis, and to try and get them out of the Indian country, not because we don't do those

we trade with as much justice as any other traders, but it is because we have more information and do more business than any of the other traders; this is the whole truth about this matter. We are Chickasaw traders, and have never meddled with the Choctaws, except in some few cases where we have credited them. We have credited the Pitchlynn family some five or six hundred dollars, and much of it four or five years since; and we tried last year to collect it, and made the whole family very hostile with us and some few other Choctaw families. This memorial that my clerk speaks of was in the hands of A. Roburtus Wilson, who is a brother-in-law of Peter Pitchlynn. Peter Pitchlynn, Tom Pitchlynn, and their mother, are the debtors to us, and are very dissatisfied because we have insisted on getting our pay. You will see, in reading those extracts, that they have all been written by one person. I am very anxious to see you, and advise with you on the whole of this matter. I do not wish to do any thing in this matter that will hurt any person's feelings; and I am anxious that it should be done soon; and I am afraid to mention any thing to any person, or even to do any thing in any of my other business, without consulting of you, as I have no Tennessee friends here at this time. I will suspend doing any thing until I see you; for I have much to say to you, and want your advice. If you will say to me when I can see you in Baltimore or any other place, I will come, on your giving me notice of time and place. I don't intend to do any thing wrong if I know it. Please write to me on the receipt of this; and much oblige your friend, truly,

DANIEL SAFFARANS.

Major A. M. LEA.

N. B. These are the first charges brought against me in this life, and I have traded very extensively in all middle and west Tennessee for the last twenty years; and in that range of country and north Mississippi I know as many men personally as any other man. I hope to hear from you soon.

D. S.

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P 10.

BALTIMORE, *November 26, 1841.*

SIR: The enclosed letter, from Mr. Saffarans, has just been received; and although it is evidently designed for my own eye alone, I deem it due to myself to lay it before you, in view of the connexion which I had with the partial allowance of the claim of Saffarans & Lewis, lately presented to the department. And as it contains so frank and candid a statement made to a friend, and showing the writer in a light so correct, I do not think that I can serve him better than by asking you to read it, and transmit it to the Commissioner of Indian Affairs.

From the high character of Mr. Saffarans, as given by Messrs. Foster and Peyton in the enclosed letters, by General Cheatham verbally last spring, and by all who know him, I am satisfied that he is as much to be relied upon as any other man whatever. His very mistakes show the simple honesty of his character. The representations made to me by Peter Pitchlynn, recently at Washington, tend to confirm the explanations of Mr. S.

as to the hostility of the Pitchlynn family—as he urged upon me, among other things, the expulsion of all white traders from the Indian country, and he also pressed the subject upon the attention of the President.

Very respectfully, your obedient servant,

ALBERT M. LEA.

Hon. J. C. SPENCER,

*Secretary of War.*

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P 11.

NASHVILLE, September 30, 1841.

DEAR SIR: My friend Mr. Saffarans, the bearer of these lines, has some important business with the department over which you are now presiding. I introduced him last spring to the late Secretary in the most unqualified terms. Permit me, if you please, to renew my testimony in his favor. Mr. Saffarans is a gentleman universally esteemed by his acquaintances, as possessing a most upright and irreproachable character. I commend him in an especial way to your kindest confidence, and remain your friend,

EPHRAIM H. FOSTER.

Hon. ALBERT M. LEA,

*Acting Secretary of War.*

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P 12.

GALLATIN, October 7, 1841.

DEAR SIR: Permit me to introduce to your acquaintance Mr. Daniel Saffarans, of this place, a particular friend of mine, and a most excellent and honorable man, who has business of great moment to himself with your office.

Mr. S. seems to dread nothing but a postponement of his claims; delay to him is death almost, in his present situation. All he asks or expects is justice; but to be effectual, in his situation, it must be *speedy*. Now, sir, I am sure, if you knew Daniel Saffarans and his family, his manly, noble, generous nature, as well as I do, and saw as plainly as I see the vast importance to him and to them of speedy justice, you would do any thing in your power to administer it.

I am, with great respect,

BALIE PEYTON.

A. M. LEA, Esq.,

*Acting Secretary of War.*

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P 13.

BOGGY DEPOT, January 9, 1842.

SIR: In compliance with your instructions, I visited what is called Bogg-y Depot, the place where Saffarans & Lewis, and Berthelet, Heald, & Co.,

have goods. I have made as careful an examination as I could of the books of Saffarans & Lewis. They have been kept in a proper manner by their clerk, Mr. Sheldon, a gentleman of good character and standing.

Colonel Lewis at the store freely showed every thing in connexion with their business. The Chickasaw commissioners were also present, and generally some three to five hundred Indians. I made inquiry as to whether they were satisfied; and it is but sheer justice to Saffarans & Lewis to state that they have given entire satisfaction to those interested, and I have seen myself that the goods were well adapted to the wants of the Indians. Blankets, domestic calicoes, with various other dry goods, sugar, coffee, axes, hoes, chains, augers, and such tools as were necessary, were all well selected, and to be found in their store. The goods are hauled from Van Buren, Arkansas, a distance of one hundred and sixty miles, at a heavy expense in addition to other expenses from New York, and have therefore to be sold at corresponding prices. You will however find, accompanying this communication, a statement of the cost of the leading articles, with the average prices sold at. This statement is taken from the books exhibited, and may therefore be considered generally correct. It was impossible to examine into the small articles, which I presume would be found to correspond in prices with the others.

I was somewhat astonished to know what a Chickasaw would do with so large an amount of goods purchased so near the same time. On inquiry, I find, indeed I have seen many orders from these Indians on the merchants for goods given in exchange for cattle, hogs, horses, &c., to the Choctaws. In many cases, an Indian takes his goods home, and then exchanges them himself for stock, &c., that he may stand in want of; debts between individuals have been settled and adjusted. In this way the Chickasaws have paid off their debts, and provided themselves with such things as they wanted. I discover they are generally well clothed; and on my way from the agency, 130 miles, I passed by the residence of many Chickasaws; they had large stocks of hogs and cattle around them; these, to a great extent, were furnished by the merchants. Saffarans & Lewis have furnished about one thousand head of cattle, some seven or eight hundred head of hogs, and a number of horses. Other traders have also supplied a large quantity of stock. I have examined particularly about the charges made by Wilson and Robinson (both white men) with Choctaw families, and Dukes and Pitchlynn, who are Choctaws. I found no such extravagant prices paid for articles as they represent, and have no doubt that they have been wrongly informed or made misrepresentations. They all reside in the lower part of the Choctaw nation, near the Arkansas line, some hundred and twenty miles from him, in the same neighborhood. I find the Chickasaws are much incensed at what they conceive an interference by these men. You will find a letter addressed to me, from the commissioners or chiefs, accompanying this communication, which shows their feelings. In conclusion, I beg leave to state that, when it is considered the many expenses incurred in getting goods to such a remote point as this, they must sell at high prices, to cover cost and charges. Had the Indian been paid his money at the time the land was sold, he would have been without any thing; and but for the sale of stock belonging to incompetent Chickasaws, the nation would have been in a very destitute situation by their being paid. The whole nation has participated in the benefit by adjusting old debts, and the Choctaws have been benefited beyond what



I had any idea, by selling cattle, hogs, &c., to the Chickasaws. The merchants of the nation have all participated, with one exception, in the trade. I consider them men of good character and standing; none other need apply to me for a license.

Very respectfully, your obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs.*

P 14.

BOGGY DEPOT, *January 4, 1842.*

SIR: The undersigned, commissioners and chiefs of the Chickasaws, have seen the letter addressed to you from Washington, charging frauds upon Saffarans & Lewis and others, who have traded with the incompetent Chickasaws for stock invested for their benefit by the United States. We have looked carefully at the charges, and do not hesitate to say positively that they are false. Our people are not so ignorant as to give such prices for goods; they understand generally how to trade. In most cases, with Saffarans & Lewis, one or more of the commissioners have generally been present, and almost invariably one or two of their clerks, and our own educated young Chickasaws, in whom we confide. We have also inquired freely amongst our people, and find them well pleased. You have been here for the last week, and have seen for yourself that the goods delivered were of the best quality, and every way suited for our people. Joseph Dukes and Thomas J. Pitchlynn, who make the charges, are Choctaws, living over a hundred miles from this place; they have no doubt been induced to make those representations by others. As to Wilson, although he is a white man residing here, and married to Pitchlynn's sister, he is entitled to but little credit. Robinson we do not know; he is a white man, we understand, with a Choctaw wife. As these people all live in the neighborhood of P. P. Pitchlynn, we are not at a loss to tell who put the whole in operation. We protest, however, against such interferences from Choctaws, and above all from white men, whose greatest regret is, that they had not the ability to engage in this trade themselves.

The treaty gave the commissioners power to declare such of our people incompetent as they believed unable to dispose of their own lands, and receive the proceeds. We did so in good faith, as we believed, and after paying such amounts to each individual as would enable them to pay debts and to emigrate. We expected the balance to be paid, as provided by treaty, upon our recommendation, after the emigration. As this money had been invested in stock for each individual, we, at their request, and to enable them to buy cattle, hogs, farming utensils, and such things as they wanted, approved the sale; many debts were made to be paid out of this fund; orders have been given on merchants; our people are generally well clothed—have cattle, hogs, and horses, and can now live. We have received no annuity from our national fund, and, but for the sale of the stock referred to, our people must have suffered. We are unwilling for censure to be thrown upon us when we feel conscious we have done our duty;

and hope that the Government will not sanction interference by such designing men as Messrs. Pitchlynn and Wilson and others. It would be time to listen to these complaints when our own people, who are alone interested, complain. We therefore hope you will set this subject right before the War Department at Washington.

We remain your friends and brothers,

ISH-TE-HO-TO-PA, King, his + mark.

ISAAC ALBERSON, his + mark.

JAMES WOLF.

SLONE LOVE.

Witness :

WILLIAM BARNETT.

CHARLES JOHNSON.

Major WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

P 15.

In obedience to instructions from the Commissioner of Indian Affairs, dated November 5th, 1841, I certify that I have examined the books of Saffarans & Lewis, as kept at their trading establishment at Boggy Depot, for the sale of goods to incompetent Chickasaws, and subjoin the following statement, which shows the cost of the leading articles sold, the transportation and expenses thereon, with the prices sold at, as exhibited from the books of Saffarans & Lewis. I also certify that said examination was made in the presence of the commissioners, or a portion of them, with any other persons who chose to be present.

Articles sold to incompetent Chickasaws by Saffarans & Lewis.	Average cost of goods, including expenses.	Average price at which sold to the Indians.
Mixed satinets, average cost per yard - - -	\$0 71	\$1 50
Merrimack blue prints - - -	25	50
Dark fancy do - - -	16	37
Plute do - - -	12½	25
Fancy chintz - - -	32	62½
4-4 cotton stripes - - -	11	25
4-4 bleached domestic - - -	16	37½
Osnaburgs - - -	12	25
3-4 ticking - - -	9	18
3-4 brown shirting - - -	9	25
4-4 do do - - -	11	31
5-4 do sheetings - - -	14	37
Kip brogans - - -	97	2 25
Russet brogans - - -	80	2 00
Seal pegged brogans - - -	1 48	3 00
Mackinaw blankets - - -	4 55	10 00

## STATEMENT—Continued.

Articles sold to incompetent Chickasaws by Saffarans & Lewis.	Average cost of goods, including expenses.	Average price at which sold to the Indians.
Scarlet stroud - - - - -	\$1 78	\$3 50
Blue stroud - - - - -	1 78	3 50
Scarlet Mackinac blankets - - - - -	6 50	15 00
Sugar, cost in New Orleans, 7 cts.; expenses, 7 cts.	14	25
Coffee, 13 cts.; expenses, 7 cts. - - - - -	20	33½
Flour, per barrel, \$6 50; expenses, \$11 50 - -	18 00	25 00
Bacon, cost in New Orleans, \$7 per hundred; expenses, \$7 - - - - -	14 00	25 00
Horses - - - - -	\$30 to 20	\$80 to 30
Cows and calves, \$15 to \$17 - - - - -	16 00	25 00
Yoke of work oxen - - - - -	40 00	60 00
Wagon - - - - -	100 00	150 00
Beef cattle - - - - -	13 00	20 00
Hogs, per pound - - - - -	08	12½
Corn, per bushel - - - - -	1 80	2 00
Spurs, pair - - - - -	75	1 50

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

BOGGY DEPOT, January 8, 1841.

We, Ish-te-ho-to-pa, Isaac Alberson, Slone Love, and James Wolf, commissioners under the Chickasaw treaty of the 24th May, 1834, do hereby certify that we, or a majority of us, were present during the examination, by Major William Armstrong, of the books and accounts of Messrs. Saffarans & Lewis, and that the prices named in the annexed statement are in accordance with the entries on the books of the said Saffarans & Lewis; and we further certify, that we believe the prices charged to be reasonable and fair, and not higher than the prices charged by other merchants and traders in the Indian country; and that the goods furnished to the incompetent Chickasaws were needed by them, and composed of such articles as were most useful and adapted to their wants.

ISH-TE-HO-TO-PA, his + mark.

ISAAC ALBERSON, his + mark.

SLONE LOVE.

JAMES WOLF.

Witness: WILLIAM BARNETT.

CHARLES JOHNSON.

Q 1.

WASHINGTON CITY, *October 29, 1841.*

SIR : A few days since, I presented to the acting Commissioner of Indian Affairs accounts against certain incompetent Chickasaws, "to the amount of \$84,545 32, for stock, farming utensils, and other merchandise, furnished to them in their country west. These accounts are supported by the notes or acknowledgments of the Indians themselves, and are approved by the chiefs or commissioners, as provided under the 4th article of the treaty of 24th May, 1834. In payment of these accounts, these Indians have severally requested, with the approbation of the commissioners, that the Government of the United States will transfer a like amount of stock, now held by the United States in trust, for their benefit. The agent for the Chickasaws has certified to the approval of the commissioners, and the acting superintendent has also testified to the general fairness of the transactions with these Indians, and has recommended the payment of the accounts, as requested by them.

It is understood, however, that the department is not entirely satisfied as to the propriety of the articles furnished to the Indians, and as to the prices charged therefor; and that further evidence or explanation is desired on these points. Not knowing what kind of evidence would be most satisfactory to the department, I procured such as was deemed requisite by the agents of the Government in the country, and endeavored to present such comprehensive statements and certificates as would obviate the necessity of exhibiting bills of all the items furnished to the Indians. These, however, can and will be procured; but it will require several months to obtain them from that distant region. In the mean time, in the confident expectation that the payments would be promptly made, as desired by the Indians, I have made acceptances to the amount of fifty to sixty thousand dollars, which will fall due, in the Eastern cities, during the months of November and December, and which I have made no other provision to meet.

Under these circumstances, I submit it to the department, whether a part of the accounts presented may not now be paid, leaving the balance unsettled until further evidence can be procured; and I respectfully request that you will authorize a transfer of stocks of the State of Maryland, with the interest that may have accrued thereon, to the amount of sixty thousand dollars, in partial liquidation of these claims.

Very respectfully, your obedient servant,

DANIEL SAFFARANS,

*For Saffarans & Lewis.*

Hon. J. C. SPENCER,  
*Secretary of War.*

Mr. Kurtz will transfer stocks to the amount of \$60,000, as above-mentioned.

J. C. SPENCER.



R 1.

WASHINGTON, *March 24, 1842.*

SIR: Herewith we hand you a list of notes against the incompetent Chickasaws, which we wish to have investigated and reported upon at as early a period as is practicable.

Very respectfully, yours,

BERTHELET, HEALD, & CO.

T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs, Washington City.*

R 2.

CHOCTAW NATION, *December 12, 1841.*

SIR: You will discover that the traders in this nation have generally engaged in trading with the incompetent Chickasaws for the stock invested for their benefit by the Government. Messrs. Berthelet, Heald, & Jones, merchants in the nation, have, with others, engaged in this business; they are gentlemen of the first standing. General Jones is a Choctaw. I have known him since he removed to this nation in 1832, and have always found him honest and correct. The other two are gentlemen of high character. I am preparing to visit Boggy, to examine into the accounts of Messrs. Saffarans & Lewis, and will report to you fully upon the subject. I have also informed all who have engaged in the trade, that they must produce a bill of the items furnished each Indian; this I consider necessary to a final settlement of the accounts.

Very respectfully, your obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

T. HARTLEY CRAWFORD, Esq.,

*Commissioner of Indian Affairs, Washington City.*

R 3.

The claims presented by Berthelet, Heald, & Co. amounted to about \$80,000; on which an advance was made on the following order, viz:

"The Commissioner of Indian Affairs will advance fifty thousand dollars on this account, and prepare the papers accordingly for applying the stock invested for the incompetent Chickasaws to the purpose.

"J. C. SPENCER.

"APRIL 30, 1842."

S 1.

CHICKASAW AGENCY, *August 20, 1842.*

SIR: I heard, some short time since, that some letters had been received at your office, written by some two white men and two or three half-breed

Choctaws, respecting the incompetent fund of the Chickasaws, charging the merchants with defrauding those Indians out of their money. I have been constantly in the country since the merchants have been trading for the stock of the incompetent Chickasaws; have visited the stores of all the merchants very frequently. I have talked freely with the incompetent Chickasaws, also with the commissioners, chiefs, and headmen, and I do assure you that I have never heard one single word of complaint from a single Chickasaw (and they are not backward in complaining) concerning the selling of their stock. I can account for the complaint of these persons, living near the Arkansas line, and one in the State of Arkansas, only on the ground of envy; for, really, they do not know any thing of the manner in which the business has been transacted. I know that the merchants have furnished those Indians with the most substantial goods; they have also furnished them with an immense quantity of horses, cattle, and hogs.

I write this letter to you without the request of a single trader in the nation; and I do assure you, sir, that had the merchants deceived or defrauded the Indians in any way or manner, you should have heard of it through the proper source, and their storehouses would have been closed, and not reopened until an order from your office directing them to be opened.

Very respectfully, your obedient servant,

A. M. M. UPSHAW, *Agent.*

HON. T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs.*

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T 1.

WASHINGTON CITY, October 27, 1842.

DEAR SIR: Please find enclosed several reports of the Chickasaw agent, commissioners, and the commanding officers at Fort Towson and Fort Washita, to wit: one account in favor of Saffarans & Lewis, \$6,220 93; one recommendation in favor of the payment of Doak & Tims's account; one ditto in favor of Berthelet, Heald, & Co.; and Captain Armstrong's, in favor of D. & S. Folsom. Please examine the within accounts, and have them adjusted as soon as convenient, and oblige your friend and humble servant,

DANIEL SAFFARANS.

HON. T. H. CRAWFORD,

*Commissioner of Indian Affairs.*

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T 2.

In compliance with a request from Major William Armstrong, acting superintendent Western Territory, we do hereby certify, that we have examined the books and accounts of Saffarans & Lewis, as kept by them at their trading establishment at the Chickasaw depot on Boggy, for the sale of goods to incompetent Chickasaws, since the 1st day of January, 1842, and subjoin the result of said examination in the annexed tabular statement, which shows the average cost of the prominent articles sold by them, including

the expenses of transportation, &c., and the prices at which the articles were sold to the Indians. In doing this, we have adopted the rule of averaging the prices, taking the various entries on the books of any article, and, by the rule of division, ascertaining the mean price of such article; then, without extending this report to a statement of the account of each Indian, we show the average price at which the articles sold, and the profit made by Saffarans & Lewis. We also certify that the said examination was made in the presence of the commissioners, or a majority of them, and any other persons who chose to be present.

Articles sold to incompetent Chickasaws by Saffarans & Lewis.	Average cost of goods, including expenses.	Average price at which sold to the Indians.
Blue Merrimack prints - - - -	\$0 22	\$0 50
Fancy prints - - - -	13 c. to 18	37½ c. to 62½
Plate prints - - - -	12½	25
English gingham - - - -	32	75
3-4 brown shirting - - - -	12½	25
4-4 brown shirting - - - -	18½	37½
Brown drilling - - - -	11½	30
3-4 bleached sheeting - - - -	13	25
4-4 bleached sheeting - - - -	15	37½
Kip brogans - - - -	1 20	2 50
Calf brogans - - - -	1 57	3 25
Mackinac blankets - - - -	5 62½	12 00
Blue stroud - - - -	1 80	4 00
Red stroud - - - -	1 84	4 00
Wagons - - - -	100 00	150 00
Hoes - - - -	37½	76
Furniture checks - - - -	14	37½
Sugar, cost in New Orleans, 7 cts.; expenses, 7 cts. - - - -	14	25
Coffee, cost in New Orleans, 13 cts.; expenses, 7 cts. - - - -	20	33½
Flour, per barrel, in New Orleans, \$6 50; expenses, \$11 50 - - - -	18 00	25 00
Horses, average - - - -	\$40 to 80	\$80 to 160
Cows and calves - - - -	\$15 to 16	\$25 to 30
Beef cattle, per pound - - - -	04	07
Hogs, per pound - - - -	04	08
Bacon, cost in New Orleans, 7 cts.; expenses, 7 cts. - - - -	14	25

On examination of Messrs. Saffarans & Lewis's books, we find the above list of articles agrees with the entries on said books; some of the entries we find lower on their books than in the above list.

A. M. M. UPSHAW, C. A.

GEORGE A. H. BLAKE, *Captain U. S. A.*

We, Ish-te-ho-to-pa, Isaac Alberson, Slone Love, and James Wolf, commissioners under the Chickasaw treaty of the 24th May, 1834, do hereby certify that we, or a majority of us, were present during the examination, by Colonel A. M. M. Upshaw and Captain George A. H. Blake, of the books and accounts of Messrs. Saffarans & Lewis, and that the prices named in the annexed statement are in strict accordance with the entries on the books of the said Saffarans & Lewis; and we further certify, that we believe the prices charged to be reasonable and fair, and not higher than the prices charged by other merchants and traders in the Indian country; and that the goods furnished to the incompetent Chickasaws were needed by them, and composed of such articles as were most useful, and in quantities to meet their wants, and no more.

ISH-TE-HO-TO-PA, King, his + mark.  
 ISAAC ALBERSON, his + mark.  
 SLONE LOVE.  
 JAMES WOLF.

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T 3.

In compliance with a request from Major William Armstrong, acting superintendent Western Territory, we do hereby certify that we have examined the books and accounts of Doak & Tims, as kept by them at their trading establishment at Doaksville, for the sale of goods, &c., to the incompetent Chickasaws, and subjoin the result of said examination in the annexed tabular statement, which shows the average cost of the prominent articles sold by them, including the expenses of transportation, &c., and the prices at which the articles were sold to the Indians. In doing this, we have adopted the rule of averaging the prices, taking the various entries on the books of any article, and by the rule of division ascertaining the main price of each article. Then, without extending this report to a statement of the account of each Indian, we show the average price at which the articles sold, and the profit made by Doak & Tims. We also certify that the said examination was made in the presence of the commissioners, or a majority of them, and any other persons who chose to be present.

Articles sold to incompetent Chickasaws by Doak & Tims.					Average cost of goods, including expenses.	Average price at which sold to the Indians.
Blue Merrimack prints	-	-	-	-	\$0 22	\$0 50
Fancy prints	-	-	-	-	13 c. to 18	31½ c. to 50
Plate prints	-	-	-	-	12½	25
Madder prints	-	-	-	-	16	37½
English gingham	-	-	-	-	32	75
Blue drilling	-	-	-	-	16	37½
Brown drilling	-	-	-	-	12	31½
3-4 brown shirting	-	-	-	-	12½	25
4-4 brown shirting	-	-	-	-	18½	37½
3-4 bleached shirting	-	-	-	-	13	25



## STATEMENT—Continued.

Articles sold to incompetent Chickasaws by Doak & Tims.	Average cost of goods, including expenses.	Average price at which sold to the Indians.
4-4 bleached shirting - - - -	\$0 15	\$0 37½
Furniture check - - - -	13	37½
Kip brogans, men's - - - -	1 20	2 25
Kip brogans, boys' - - - -	1 12½	2 00
Calf brogans, boys' - - - -	1 55	3 00
Seal brogans, men's - - - -	1 00	2 00
Women's brogans - - - -	1 12½	2 00
English Mackinac blankets - - - -	4 00	8 00
Blue stroud - - - -	1 62½	3 50
Red stroud - - - -	1 80	4 00
American saddles - - - -	14 00	25 00
Spanish saddles - - - -	18 00	35 00
Bridles - - - -	2 25	5 00
Satinet - - - -	70	1 50
Wagons - - - -	125 00	180 00
Sugar, cost in New Orleans, 7 cts.; expenses, 5½	12½	20
Coffee, do 13 cts.; expenses, 5½	18½	33½
Flour, per bbl., do \$6 50; expenses, \$4 50	11 00	16 00
Horses, average - - - -	\$40 to 75	\$80 to 150
Cows and calves - - - -	\$15 to 18	\$25 to 30
Beef cattle, per pound - - - -	03½	06
Hogs, per pound - - - -	04	08

On examination of the books of Messrs. Doak & Tims, we find the above list of articles agrees with the entries on said books.

A. M. M. UPSHAW, *U. S. C. A.*

T. T. FAUNTLEROY, *Maj. 2d Div.*

E. A. OGDEN, *Capt. and A. Q. M.*

We, Ish-te-ho-to-pa, Isaac Alberson, Slone Love, and James Wolf, commissioners under the Chickasaw treaty of the 24th May, 1834, do hereby certify, that we, or a majority of us, were present during the examination, by Colonel A. M. M. Upshaw, T. T. Fauntleroy, and E. A. Ogden, of the books and accounts of Messrs. Doak & Tims, and that the prices named in the foregoing statement are in strict accordance with the entries on the books of the said Doak & Tims; and we further certify, that we believe the prices charged to be reasonable and fair, and not higher than the prices charged by other merchants and traders in the Indian country; and that the goods furnished to the incompetent Chickasaws were needed by them, and composed of such articles as were most useful, and in quantities to meet their wants, and no more.

ISH-TE-HO-TO-PA, King, his + mark.  
 ISAAC ALBERSON, his + mark.  
 SLONE LOVE.  
 JAMES WOLF.

## T 4.

In compliance with a request of Major William Armstrong, acting superintendent Western Territory, we do hereby certify, that we have examined the books and accounts of Berthelet, Heald, & Co., as kept by them at their trading establishment at the Chickasaw depot on Boggy, for the sale of goods to incompetent Chickasaws, and subjoin the result of said examination in the annexed tabular statement, which shows the average cost of the prominent articles sold by them, including the expenses of transportation, &c., and the prices at which the articles were sold to the Indians. In doing this, we have adopted the rule of averaging the prices, taking the various entries on the books of any article, and by the rule of division ascertaining the mean price of such article; then, without extending this report to a statement of the account of each Indian, we show the average price at which the articles sold, and the profit made by Berthelet, Heald, & Co. We also certify, that the said examination was made in the presence of the commissioners, or a majority of them, and any other persons who chose to be present.

Articles sold to incompetent Chickasaws, by Berthelet, Heald, & Co.	Average cost of the goods, including expenses.	Average price at which sold to the Indians.
Blue Merrimack prints - - -	\$0 25	\$0 50
Fancy French chintz - - -	33	75
Plate prints - - -	20	50
Madder prints - - -	18	37½
English gingham - - -	31	62
Blue drilling - - -	26	62
Brown drilling - - -	18	37
3-4 brown shirting - - -	13	25
4-4 brown shirting - - -	18	37
3-4 bleached shirting - - -	12½	25
4-4 bleached shirting - - -	18½	37½
Kip brogans - - -	1 25	3 00
Kip brogans, boys' - - -	1 00	2 50
English Mackinac blankets - - -	7 50	15 00
Scarlet stroud - - -	2 00	4 00
Blue stroud - - -	1 75	4 00
Satinet - - -	1 00	2 00
Sugar, cost in New Orleans, 7½; expenses, 7	14½	25
Coffee, cost in New Orleans, 14; expenses, 7	21	33½
Flour, per barrel, \$6 75; expenses, \$11 -	17 75	25 00
Horses, average - - -	\$50 to 90	\$90 to 170
Cows and calves - - -	\$15 to 16	\$25 to 30
Beef cattle, per pound - - -	04	06
Hogs, per pound - - -	05	09

On examination of Messrs. Berthelet, Heald & Co.'s books, we find the above list of articles agrees with the entries on said books. Some of the entries we find lower on the books than in the above list.

A. M. M. UPSHAW, *Chickasaw Agent*.

GEORGE A. H. BLAKE, *Captain U. S. A.*

We, Ish-te-ho-to-pa, Isaac Alberson, Slone Love, and James Wolf, commissioners under the Chickasaw treaty of the 24th May, 1834, do hereby certify that we, or a majority of us, were present during the examination, by Colonel A. M. M. Upshaw and Captain George A. H. Blake, of the books and accounts of Messrs. Berthelet, Heald, & Co., and that the prices named in the annexed statement are in strict accordance with the entries on the books of the said Berthelet, Heald, & Co.; and we further certify, that we believe the prices charged to be reasonable and fair, and not higher than the prices charged by other merchants and traders in the Indian country; and that the goods furnished to the incompetent Chickasaws were needed by them, and composed of such articles as were most useful, and in quantities to meet their wants.

ISH-TE-HO-TO-PA, his + mark.

ISAAC ALBERSON, his + mark.

SLONE LOVE.

JAMES WOLF.

T 5.

In obedience to instructions from the Commissioner of Indian Affairs, dated November 5, 1841, I certify that I have examined the books of D. & S. Folsom, as kept at their establishment at Doaksville, for the sale of goods to incompetent Chickasaws, and subjoin the following statement, which shows the cost of the leading articles sold, the transportation and expenses thereon, with the prices sold at, as exhibited from the books of D. & S. Folsom. I also certify that said examination was made in the presence of such persons as chose to be present.

Articles sold to incompetent Chickasaws by D. & S. Folsom.	Average cost of goods, including expenses.	Average price at which sold to Indians.
Blankets - - - - -	\$4 50	\$8 50
Strouding, red and blue - - - - -	2 00	4 00
Linseys - - - - -	30	55
Ticking - - - - -	20	43½
Plaid cotton, domestic - - - - -	14	25
Fancy calico - - - - -	25	50
Blue Merrimack prints - - - - -	26	50
Brown shirting - - - - -	13	25
Bleached shirting - - - - -	21	50
Shawls - - - - -	1 87½	4 37

## STATEMENT—Continued.

Articles sold to incompetent Chickasaws by D. & S. Folsom.	Average cost of goods, including expenses.	Average price at which sold to Indians.
Rifle guns - - - - -	\$20 00	\$35 00
Kip brogans - - - - -	95	2 00
Sugar, cost, 7 cents; expense, 5½ cents - -	12½	20
Coffee, cost, 13 cents; expense, 5½ cents -	18½	25
Saddles, average - - - - -	13 00	25 00
Bridles - - - - -	1 80	4 00
Horses - - - - -	\$35 to 80	\$40 to 100
Cows and calves - - - - -	\$16 to 20	\$20 to 25
Beef cattle - - - - -	\$15 to 20	\$20 to 30

WILLIAM ARMSTRONG,  
*Acting Superintendent Western Territory.*

We, Ish-te-ho-to-pa, Isaac Alberson, Slone Love, and James Wolf, commissioners under the Chickasaw treaty of the 24th May, 1834, do hereby certify that we, or a majority of us, were present during the sale of many of the goods of Messrs. D. & S. Folsom, and that the prices named in the annexed statement are in accordance with the entries on the books of the said D. & S. Folsom; and we further certify, that we believe the prices charged to be reasonable and fair, and not higher than the prices charged by other merchants and traders in the Indian country; and that the goods furnished to the incompetent Chickasaws were needed by them, and composed of such articles as were most useful, and adapted to their wants.

ISH-TE-HO-TO-PA, his + mark.

ISAAC ALBERSON, his + mark.

SLONE LOVE.

JAMES WOLF.

In examining the books of Colonel David Folsom, a Choctaw, I find they are kept each Indian's account separate, without day book or journal. This is usual. Every article appeared charged, and I have no doubt of the correctness of the same.

WILLIAM ARMSTRONG,  
*Acting Superintendent Western Territory.*

T 6.

NOTICE.

We, the undersigned, being the only men engaged in the purchase of incompetent Chickasaw claims, request that persons holding any due bills on



us for such claims will please bring them forward for payment as soon as possible. It is the wish of the Hon. Secretary of War that those due bills should all be paid off, and we are ready and anxious to pay them as soon as they are brought in.

SAFFARANS & LEWIS.  
DOAK & TIMS.  
BERTHELET, HEALD, & CO.  
D. & S. FOLSOM.

DOAKSVILLE, *July 1, 1842.*

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T 7.

CHOCTAW AGENCY, *April 9, 1842.*

DEAR SIR : I here send you the balance of our papers. Mr. Tims informed me some time ago you would attend to them for us. Those is the last we expect to have any thing to do with, and I am desirous to have the matter closed as soon as possible. I have not heard of Tims for some time ; from the last accounts, I am looking for him in a few days. I have no news—would be glad to hear from you.

Yours, respectfully,

JOSIAH S. DOAK.

Colonel D. SAFFARANS.

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U 1.

WASHINGTON CITY, *November 7, 1842.*

SIR: With reference to certain claims in office of Indian Affairs against the incompetent Chickasaws, I submit the following statement:

I have been trading with the Chickasaw tribe of Indians ever since the year 1835. At the time of the removal of those Indians west of the Mississippi, there were many of them that had unsettled accounts with me for goods purchased, and the credit predicated on their deposite in the Treasury, and now known as the incompetent fund. These debts, it was expected, would be paid soon after their arrival at their new homes, or as soon as the application for their money should be made by the agent and Chickasaw commissioners, in accordance with the treaty. After their arrival west, and in 1838, application was made through the proper officer, (as papers on file in the Indian office will show,) for the money due those incompetents, to be sent out for distribution ; but the answer to the application was, that their money had been invested in State stocks, and that this stock could not be sold at par ; and that the department could not sell it at a loss, but that the interest would be paid them as it should be received. The chiefs and people were not satisfied ; applied again for the money, but without success ; and even a third time did they ask for it, if my memory serves me. In the mean time, these Indians had to live. They went to their new homes in the west with but little if any money, and were dependent on their friends that had been passed as competent, who loaned these incompetents some of their money, under the expectation that it would be repaid soon after

they arrived west, out of their funds in the hands of the Government. In this they were disappointed, after repeated applications for it. Things went on in this way until the summer of 1840, I think, when an appeal was made to the Secretary of War, (Hon. J. R. Poinsett,) who made an order that all the debts that this class of Indians were owing should be paid, provided the creditors (the traders) would take such pay as was in the hands of the Government—stocks, and interest thereon. Under that order, a settlement was made in the winter of 1840-'41, that embraced all the debts that they were owing, both east and west of the Mississippi, and absorbed something like one-half of this fund. Up to that time, there never had been any thing like a due bill issued by me to any Indian. I returned to their country in the spring of 1841, and during that summer and fall I was personally attending to my business. There was constantly some one of the commissioners at the store, and it happened sometimes that old and infirm incompetents would come some 50 to 100 miles to get articles necessary for the subsistence of themselves and family. We kept on hand at all times a large supply of provisions, such as bacon, flour, corn, and also dry goods of all kinds and groceries, suitable for the Indian trade; and, as I remarked above, it would sometimes happen that these old incompetent Chickasaws would have to come from 50 to 100 miles after these articles. It was then suggested by the Chickasaw commissioners, whether there could not be some way devised by which much labor and trouble could be saved to these poor old Indians, and proposed to me to give them a credit on our books, so that they could send and get such things as they might want. I then proposed to give them my due bill for any amount of their claim that they might wish to sell, and did so. At this time they had been there over four years, and they had never received any annuity on their general funds, and their subsistence by the Government had long ceased, and they had nothing to rely upon but this incompetent fund, to support the whole nation; and in fact it has sustained them up to this time. In other instances, due bills were given to the Indian creditor of the incompetents, and in this way many debts were arranged and settled. One incompetent Indian would owe in some instances a half a dozen of his neighbors for money borrowed of them, to be repaid out of their deposite. These creditors, seeing no prospect of getting their money, were desirous of having their claims settled in some other way. The incompetent Indian would bring up his creditors, and get me to give them due bills for what was owing them, and have charged to his account. In cases where they did not wish to take the whole debt at the time the transfer was made, the creditor would take my due bill for the balance, and looked to me for the pay. It was at the earnest request of the Chickasaws that this course has been submitted to by me, and for their convenience and accommodation. Old and infirm people who lived off at a distance, and held one of these due bills, could send it by one of their friends to the store, and get what articles they wished, and have the due bills credited and returned to them; that class of old people are as cautious and as economical as white people, and as close in their dealings. When the knowledge of the issue of those due bills to incompetent Chickasaws first came to your knowledge, I was in this city. You told me at once that you disapproved the course, and that they must be all taken in as soon as possible. I immediately went west, and stopped the issuing of those due bills, with instructions not to issue any more, and to take in all that we had out as soon as possibly they could be

got in, and report to me by mail the daily progress of getting them in. I had in circulation when I left that country about twenty thousand dollars of due bills; and a letter received from my chief clerk shows that in twenty-one days after I left he had taken in about one-half of the whole account. I have a heavy stock of all kinds of merchandise and provision now on hand at my store on Boggy Chickasaw Depot. I trust, therefore, that all difficulty on the score of those due bills has been removed; and I hereby bind and pledge myself to you, sir, that, within the next ninety days, I will furnish to the Commissioner of Indian Affairs satisfactory evidence that every due bill issued by Saffarans & Lewis, and the three other houses above designated, have been taken in by them and paid. Under these circumstances and these assurances, I trust, sir, that you will not hesitate to give your consent to the claims herewith presented, and to order their settlement.

At the request of Berthelet, Heald, & Co., Doak & Tims, and D. & S. Folsom—those gentlemen all having incompetent Chickasaw accounts to settle before the War Department, and knowing the difficulty that existed in getting their claims fully settled, and knowing that my business to the Chickasaw nation was to remove this objection, my claims being of the same character and nature of theirs—they all called upon me to examine their business at their stores in the Indian country, which I did. All three of these establishments did issue due bills in the winters of 1840 and 1842, in the same way that Saffarans & Lewis did; that I went to that country in the spring of 1842, and left there last of August, 1842, and that I was much among the Chickasaws during this time; and, from the examination I made of those gentlemen's books, they show that they have no due bills out—that they have all been taken in and paid; and I hereby certify that I did not see or hear of one of those gentlemen's due bills now in circulation during my whole stay in that country; and I further certify, that those three mercantile houses above mentioned have been extensively engaged in selling goods in that country for the last ten years, and that their credit and ability stand as high in New Orleans and New York at this time as any merchants in the Southwest, and that their credit has never been otherwise.

Very respectfully, your obedient servant,

DANIEL SAFFARANS.

Hon. JOHN C. SPENCER,  
*Secretary of War.*

[Copy of endorsement on the foregoing letter.]

I am satisfied by the within explanation, believing Colonel Saffarans, from the representations of members of Congress from Tennessee and of the Hon. Balie Peyton, to be an honest and an honorable man. The Commissioner of Indian Affairs will therefore proceed to settle the claims with-  
in referred to.

J. C. S.

NOVEMBER 8, 1842.

*Statement showing "the names of all persons who have, since the 1st of January, 1840, received any stock of the United States, or of any State, or any scrip, money, certificate, or security," belonging to the incompetent Chickasaw fund, and the amounts paid.*

Date of payment.	To whom paid.	How paid.	Amount of each payment.	Aggregate.	Remarks.
1841.					
Mar. 26	Wm. Armstrong, superintendent Ind. affairs.	By New York 5 per cent. bonds, paid to said Wm. Armstrong.	\$30,000 00		
Mar. 26	Wm. Armstrong, superintendent Ind. affairs.	By Indiana 5 per cent. bonds, paid to said Wm. Armstrong.	58,000 00		
Mar. 26	Wm. Armstrong, superintendent Ind. affairs.	By Maryland 6 per cent. bonds, paid to said Wm. Armstrong.	28,000 00		
Mar. 26	Wm. Armstrong, superintendent Ind. affairs.	By Kentucky 5 per cent. bonds, paid to said Wm. Armstrong.	27,000 00		
Mar. 26	Wm. Armstrong, superintendent Ind. affairs.	By D. Kurtz's checks, paid to said W. Armstrong	17,418 41	\$160,418 41	This amount (\$160,418 41) paid to Wm. Armstrong—to be by him used in the payment of the claims presented by Benjamin Love, of \$18,431 71; Saffarans & Lewis, of \$22,523 87; Penn & Lewis, of \$32,443 69; Daniel Saffarans & Co., of \$20,176 93; D. D. Saffarans, James Colbert, Thomas Colbert, Charles Colbert, Isaac Alberson, and Slone Love, of \$68,409 48—all making an aggregate of \$161,986 68. Transfers made by order of Hon. John Bell, Secretary of War.
Oct. 30	Daniel Saffarans	By Maryland 6 per cent. bonds, paid to this claimant	58,000 00		
Oct. 30	Daniel Saffarans	By Daniel Kurtz's check, paid to this claimant	2,000 00		
1842.				60,000 00	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Feb. 17	Daniel Saffarans	By Kentucky 5 per cent. bonds, paid to Saffarans	30,000 00		
Feb. 17	Daniel Saffarans	By Daniel Saffarans, paid by D. Kurtz's check	472 85	30,472 85	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.



Feb. 19	Doak & Tims	-	By Kentucky 5 per cent. bonds, paid to V. B. Tims	12,000 00	16,770 14	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Feb. 19	Doak & Tims	-	By Maryland 6 per cent. bonds, paid to V. B. Tims	4,000 00		
Feb. 19	Doak & Tims	-	By D. Kurtz's check in favor of Doak & Tims	770 14		
Feb. 19	D. & S. Folsom	-	By Kentucky 5 per cent. bonds, paid to D.S. Folsom	4,000 00	6,182 29	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Feb. 19	D. & S. Folsom	-	By Maryland 6 per cent. bonds, paid to D.S. Folsom	2,000 00		
Feb. 19	D. & S. Folsom	-	By Daniel Kurtz's check in favor of Doak & Tims	182 29		
Mar. 19	Daniel Saffarans	-	By Maryland 6 per cent. bonds, paid to D. Saffarans, claimant.	3,000 00	19,131 16	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Mar. 19	Daniel Saffarans	-	By Kentucky 5 per cent. bonds, paid to D. Saffarans, claimant.	15,000 00		
Mar. 19	Daniel Saffarans	-	By Daniel Kurtz's check, paid to D. Saffarans, claimant	1,131 16		
April 30	Berthelet, Heald, & Co.	-	By Kentucky 5 per cent. bonds, paid to Berthelet, Heald, & Co.	32,000 00	50,000 00	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
April 30	Berthelet, Heald, & Co.	-	By Maryland 6 per cent. bonds, paid to Berthelet, Heald, & Co.	15,000 00		
April 30	Berthelet, Heald, & Co.	-	By Daniel Kurtz's check, paid to Berthelet, Heald, & Co.	3,000 00		
Nov. 12	D. & S. Folsom	-	By Maryland 6 per cent. bonds, paid to D. Saffarans, for D. & S. Folsom.	1,000 00	3,075 00	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Nov. 12	D. & S. Folsom	-	By Kentucky 5 per cent. bonds, paid to D. Saffarans, for D. & S. Folsom.	2,000 00		
Nov. 12	D. & S. Folsom	-	By part of requisition on the Treasury, paid to D. Saffarans, for D. & S. Folsom.	75 00		
Nov. 12	Doak & Tims	-	By Maryland 6 per cent. bonds, paid Doak & Tims, per D. Saffarans.	4,000 00	11,891 25	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Nov. 12	Doak & Tims	-	By Kentucky 5 per cent. bonds, paid Doak & Tims, per D. Saffarans.	6,000 00		
Nov. 12	Doak & Tims	-	By United States 6 per cent. Treasury loan of 1841, paid Doak & Tims, per D. Saffarans.	1,800 00		
Nov. 12	Doak & Tims	-	By part of requisition on the Treasury, paid Doak & Tims, per D. Saffarans.	91 25	11,891 25	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Nov. 12	Saffarans & Lewis	-	By Maryland 6 per cent. bonds, paid to Saffarans & Lewis.	4,500 00		
Nov. 12	Saffarans & Lewis	-	By Kentucky 5 per cent. bonds, paid to Saffarans & Lewis.	6,000 00		
Nov. 12	Saffarans & Lewis	-	By United States 6 per cent. loan of 1841, paid to Saffarans & Lewis.	3,000 00		

## STATEMENT—Continued.

Date of payment.	To whom paid.	How paid.	Am't of each payment.	Aggregate.	Remarks.
1842.					
Nov. 12	Saffarans & Lewis	- By requisition on the Treasury, paid Saffarans & Lewis.	\$1,040 13	\$14,540 13	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
Nov. 12	Berthelet, Heald, & Co.	By Maryland 6 per cent. bonds - - -	11,000 00		
Nov. 12	Berthelet, Heald, & Co.	By Kentucky 5 per cent. bonds - - -	16,000 00		
Nov. 12	Berthelet, Heald, & Co.	By United States 6 per cent. loan of 1841 - - -	2,900 00		
Nov. 12	Berthelet, Heald, & Co.	By requisition on the Treasury - - -	46 99		
1843.				29,946 99	This amount transferred and paid by order of Hon. J. C. Spencer, Secretary of War.
July 13	Daniel Saffarans	- By Maryland 6 per cent. bonds, paid to D. Saffarans	730 44		
July 13	Daniel Saffarans	- By United States 6 per cent. loan of 1841, paid to D. Saffarans.	300 00		
July 13	Daniel Saffarans	- By requisition on the Treasury of the United States, paid to D. Saffarans.	612 22	1,642 66	This amount transferred and paid by order of Hon. J. M. Porter, Secretary of War.
1845.					
Jan. 7	Daniel Saffarans	- By requisition on the Treasury of the United States, paid to Joseph Bryan, attorney for D. Saffarans.	-	401 64	This amount transferred and paid by order of Hon. Wm. Wilkins, Secretary of War.
				404,472 52	

Aa 1.

CHOCTAW AGENCY WEST, *March 27, 1839.*

SIR: I have the honor to enclose you a petition from the Chickasaw commissioners, requesting that Cyrus Harris, who drew land as an orphan under the Chickasaw treaty, be paid the amount of the proceeds of his land. I am well acquainted with Cyrus Harris; he has a family, and is one of the most intelligent and respectable young Chickasaws belonging to the tribe.

Very respectfully, your most obedient servant,

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs, Washington City.*

Aa 2.

FORT TOWSON, *January 28, 1839.*

We, the undersigned, commissioners under the treaty of 1834 between the United States and the Chickasaw Indians, do hereby certify that Cyrus Harris, a half-breed Chickasaw, is one of the orphans embraced in the eighth article of said treaty; that he drew land under said article; that the land has been sold, and the money is now in the possession of the Government. We also certify, that we consider the said Harris now fully competent to manage his own affairs; and that it will be to his interest and advantage to have the money paid to him, as he is now over twenty-one years of age, and has a wife and children. We therefore respectfully recommend that his money should be paid to him as soon as practicable.

ISH-TE-HO-TO-PA, King,	his + mark,	} <i>Commissioners.</i>
ISAAC ALBERSON,	his + mark,	
GEORGE COLBERT,	his + mark,	
JAMES COLBERT,		

WILLIAM ARMSTRONG.

Aa 3.

DEPARTMENT OF WAR,

*Office Indian Affairs, May 4, 1839.*

SIR: Your letter of the 27th of March last, requesting that the amount invested for Cyrus Harris, a Chickasaw orphan, may be paid over to him, he having arrived at age, and capable of managing his own concerns, has been received.

When the subject to which this letter refers shall have been considered, the result will be communicated, for your information and government.

Very respectfully, your obedient servant,

D. KURTZ,

*Acting Commissioner.*

Captain WILLIAM ARMSTRONG,

*Choctaw Agency, Western Territory.*

Bb 1.

WASHINGTON CITY, *March 10, 1841.*

SIR: I have the honor to lay before you letter and rolls of Chickasaw orphans, received from Colonel Upshaw. So far as I can ascertain, it is the wish of the Chickasaw chiefs and the orphans who have arrived at the age of twenty-one years, to give them the privilege of selling their unsold lands, under the same restrictions as other Chickasaws were; and, in cases where the lands have been sold and the money invested, to give them the money or stock, when the agent and commissioners shall certify that the Indian arriving at age is capable of managing his own business. This they believe to be the treaty, and would meet the wishes and expectations of the tribe.

Very respectfully, your most obedient,

WILLIAM ARMSTRONG,

*Acting Superintendent Western Territory.*

T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs.*

Bb 2.

DEPOT ON BOGGY, *November 25, 1840.*

The chiefs, commissioners, and headmen, of the Chickasaw nation of Indians, in council assembled, to their great father, the President of the United States, most respectfully ask and solicit, in behalf of that portion of their people who were passed as orphans, the amount of money coming to them agreeably to the 8th article of the treaty of the 24th of May, 1834, concluded between the United States and the Chickasaw nation. Our treaty so reads, and it was our intention, that so soon as one of the orphans became of age, or married, and a majority of the commissioners should recommend the paying of the money over, with the sanction of the agent, that the money should be paid to the claimant; and, under this article of the treaty, we now send on to you a list of all those who have arrived of age and married, all of whom we believe to be competent to manage their own business in this country, and are at this time in great want of money, to enable them to make a start in the way of farming, raising stock, &c.; and it is with great satisfaction we can state to you that our people are improving very much in agricultural pursuits. We have also sent on a list of those who were passed as orphans, that have married and are now of age, whose land has not been sold, and they are competent. A great many of them have some education, and bid fair to be of service to their nation. It is our wish, and we hope the President will agree with us, that they be permitted to sell their lands as other competent Chickasaws did. It is our wish that our people should all be put on an equality. We wish and recommend to our great father, that all the interest that has accrued on the orphans' fund should be sent to the claimants as soon as possible, for they have been fed and clothed by other persons ever since the treaty, and we had anxiously hoped that the interest would have been sent out at least a year ago; but, to our great surprise, the Commissioner of Indian Affairs informed us that he had taken stock



with the interest he had on hand, instead of sending it to those who were entitled to it. It certainly is reasonable to suppose that people must be clothed and fed. It is with feelings of deep regret and mortification that we have to petition our great father so often upon the same subject. Nearly two years since we sent a petition on for Cyrus Harris, who was an orphan that has become of age and married; and all the answer we got was, that it would be considered. We petition for nothing in which our treaty does not bear us out; but it appears that we are always the last that are attended to.

When the time came (agreeably to our treaty) to move from Mississippi, we moved without the Government having to send her army to drive us off, like the Cherokees. We made our treaty, and we intended to stand to and abide by it. We have always been the friend of our great father the President of the United States, and we always will be; and we ask nothing more than a compliance of our treaty.

Very respectfully, your friends and children,

ISH-TE-HO-TO-PA,	his + mark.
ISAAC ALBERSON,	his + mark.
JAMES COLBERT.	
BENJAMIN LOVE.	
WILLIAM McGILVERY,	his + mark.
ISH-TIM-O-LUT-KA,	his + mark.
TO-PUL-KA,	his + mark.
IM-MA-HOO-LO-TUBBY,	his + mark.
ILLUP-PAH-UM-BA,	his + mark.
JAMES WOLF.	
OKE-LAH-NOR-NUBBA,	his + mark.
JOHN GLOVER,	his + mark.
SHOP-POW-MI,	his + mark.
ISH-TA-KI-YU-KA-TUBBY,	his + mark.
WIN-IN-A-PA,	his + mark.

Witness :

SLONE LOVE,

*United States Interpreter and Commissioner elect.*

Cc 1.

WASHINGTON CITY, October 2, 1843.

SIR: I have at this time a settlement in your department accounts against certain Chickasaws, under the 8th article of the Chickasaw treaty of the 24th of May, 1834. There was a rule established on the 17th day of February last, in a settlement with me, of certain Chickasaw claims under said treaty, when you and the Secretary of War compelled me to take said stocks at what they cost the Government. On reference to this settlement, you will find that you charged me with all the premiums paid on said stock. I now ask you to do by me what you would have me do unto you, to wit: let me have stocks at what they cost you; to wit: the Pennsylvania, which I now have reference to, cost less than par. Let me have it at what

it cost, as you made me pay the premium on that that cost over par, and over.

Please to have those settlements corrected, and oblige your friend and obedient servant,

DANIEL SAFFARANS.

Hon. T. HARTLEY CRAWFORD,

*Commissioner of Indian Affairs.*

Cc 2.

*Endorsement by the Commissioner on letter from Daniel Saffarans dated Washington, October 2d, 1843.*

OFFICE INDIAN AFFAIRS, October 3, 1843.

With reference to the within request of Mr. Saffarans, I have to state that, in accordance with treaty stipulations, investments were made for the incompetent Chickasaws and for Chickasaw orphans in State stocks, on some of which a premium was paid, while others were bought at a discount. Mr. Saffarans had claims on the incompetent fund, and in their liquidation he was required to take the stock *at its cost*, without any regard to its value in the money market at the time of the transfer to him.

An investment of \$14,705 produced \$17,000 in Pennsylvania stock, or \$86 50 in money produced \$100 stock. This money belonged to Chickasaws who were orphans at the date of the treaty of 1834, but who, upon arriving at age, or marrying, were entitled to draw their money from the Government. Mr. Saffarans, as the attorney in fact of these Indians, produces their orders for the proceeds of the sale of their land, with the interest received upon them. Arkansas stock represents the money arising from the sale of the land, and Pennsylvania stock represents the interest which accrued from the investment in Arkansas stock; \$100 of the Pennsylvania cost \$86 50; but, in paying it out to these Indians, they have been charged with the face of the stock. Mr. Saffarans claims, and rightly I think, that the Indians are entitled to receive what their money produced; that, as the money due to them has been put into stock, they ought to get it in the same ratio; and that he, as their agent, having orders for interest to the amount of the cost of the Pennsylvania stock, should receive the \$17,000 for what it cost.

My opinion is, that he is right in his demand, and that his request ought to be granted.

T. HARTLEY CRAWFORD.

Hon. J. M. PORTER,

*Secretary of War.*

WAR DEPARTMENT, October 5, 1843.

The views taken of this matter by the Commissioner of Indian Affairs seem to be equitable, and are approved.

J. M. PORTER.

Dd 1.

## DEPARTMENT OF WAR,

*Office Indian Affairs, December 24, 1841.*

SIR : The accompanying deeds for two reservations, located under the eighth article of the Chickasaw treaty of 1834, were presented to this office by Daniel Saffarans, Esq., with the request that they might be laid before the President for approval.

The eighth article is in the words following : “ Males and females below the age of twenty-one years, whose father being dead, the mother again has married, or who have neither father nor mother, shall each be entitled to half a section of land, but shall not be computed as parts of families under the fifth article—the same to be located under the direction of the agent, and under the supervision of the Secretary of War, so as not to interfere with any settlement right. These lands may be sold upon a recommendation of a majority of the seven persons heretofore named in this agreement, setting forth that it will prove advantageous to the parties interested, subject, however to the approval of the President, or such other person as he shall designate. If sold, the funds arising shall be retained in the possession of the Government ; or, if the President deems it advisable, they shall be invested in stocks for the benefit of the parties interested, if there be a sufficient sum to be invested, (and it can be done,) until such persons marry or come of age, when the amount shall be paid over to those who are entitled to receive it, provided a majority of the seven persons, with the agent, shall certify that, in their opinion, it will be their interest and advantage. Then, and in that case, the proceeds shall be paid over to the party or parties entitled to receive them.

In the 4th article it is agreed, “ that the reservations hereinafter admitted shall not be permitted to be sold, leased, or disposed of, unless it appear, by at least two of ‘ the seven persons named in said article,’ that the party owning or claiming the same is capable to manage and to take care of his or her affairs ; which fact, to the best of his knowledge and information, shall be certified by the agent ; and, furthermore, that a fair consideration has been paid ; and therefore the deed of conveyance shall be valid, provided the President of the United States, or such other person as he may designate, shall approve the same and endorse it on the deed.”

It would seem from the preceding quotation that the investments to be made were to be on account of those reservees whose lands should be sold before they married or come of age. As to those cases where sales were not made until the parties married or were of age, and were deemed competent to manage and to take care of his or her affairs, doubts are entertained whether they are embraced by the stipulations of the fourth article, authorizing the passage of deeds on the certificate of only one or two of the commissioners. This office is rather inclined to the opinion, that the certificate of at least a majority of those commissioners required by the eighth article is necessary, which has been obtained in the case now presented. The views of the Chickasaw chiefs upon this subject have been expressed to this department through their superintendent, Major William Armstrong, who states, in a letter to this office of the 10th March last, that, “ so far as he can ascertain, it is the wish of the Chickasaw chiefs and the reservees who have arrived at the age of twenty-one years to

give them the privilege of selling their unsold lands, under the same restrictions as other Chickasaws, when the agent and commissioners shall certify that the Indian arriving at age is capable of managing his own business. This they believe to be the treaty, and would meet the wishes and expectations of the tribe."

The following is an extract from a communication of the chiefs, commissioners, and headmen, of the Chickasaw nation of Indians, in council assembled, to their great father the President of the United States, dated 25th November, 1840 :

"We have also sent on a list of those who were passed as orphans; that some married, and are now of age, whose land has not been sold, and they are competent. A great many of them have some education, and bid fair to be of service to their nation. It is our wish, and we hope the President will agree with us, that they be permitted to sell their lands as other competent Chickasaws did. It is our wish that our people should all be put on an equality."

One of the deeds is executed by Puck-sha-nubby for east half of section 34, township 4, range 3 west, the tract of land selected for him under eighth article aforesaid; consideration, \$400.

The commissioners certified that he has become of age, and is well known to them as competent to manage his own affairs, and recommend the confirmation of the contract. The Chickasaw agent's certificate indicates that the statement of the commissioners is correct and accurate; and, furthermore, that a fair consideration has been paid.

The other deed is executed by Stick-ah-tubby, brother and only heir of Kin-nish-sha, deceased, and conveys east half of section 13, township 10, range 4 west, for \$40. The certificates to this deed are of same import as those to the preceding paper, with this exception—the reference as to persons is different, on account of the death of the reservee. The grantor claims the land as heir, and is referred to as such by the commissioners.

Perceiving no objection to a compliance with the mutual request of the parties, I recommend that the deeds be presented to the President for approval.

Very, &c.

T. HARTLEY CRAWFORD.

HON. JOHN C. SPENCER,

*Secretary of War.*



*Statement showing "the names of all persons who have, since the 1st January, 1840, received any stock of the United States, or of any State, or any scrip, money, certificate, or security," belonging to the Chickasaw orphan fund; and the amounts paid, under powers of attorney, from the several orphan owners, executed, with certificates of a majority of the commissioners and the Chickasaw agent, as required by the eighth article of the treaty.*

Date of payment.	To whom paid.	How paid.	Am't of each payment.	Aggregate.	Remarks.
1842.					
Feb. 8	Saffarans & Lewis	- By Arkansas 5 per cent. bonds, paid to Saffarans & Lewis	\$13,000 00		
Feb. 8	Saffarans & Lewis	- By United States 6 per cent Treasury loan of 1841, paid to Saffarans & Lewis	3,000 00	\$16,000 00	This amount transferred by order of the Hon. John C. Spencer, Secretary of War.
April 30	Saffarans & Lewis	- By Arkansas 5 per cent bonds, paid to Saffarans & Lewis	25,000 00		
April 30	Saffarans & Lewis	- By United States 6 per cent. Treasury loan of 1841, paid to Saffarans & Lewis	4,000 00		
April 30	Saffarans & Lewis	- By Daniel Kurtz's check, paid to Saffarans & Lewis	1,534 50		
April 30	Saffarans & Lewis	- By interest on United States loan of 1841, paid to Saffarans & Lewis	89 00	30,623 50	This amount transferred and paid by order of the Hon. John C. Spencer, Secretary of War.
Nov. 18	Saffarans & Lewis	- By Arkansas 5 per cent. bonds, paid to Saffarans & Lewis	42,000 00		
Nov. 18	Saffarans & Lewis	- By Pennsylvania 5 per cent. bonds, paid to Saffarans & Lewis	7,000 00		
Nov. 18	Saffarans & Lewis	- By United States 6 per cent loan of 1841, paid to Saffarans & Lewis	2,300 00		
Nov. 18	Saffarans & Lewis	- By requisition on the Treasury, paid to Saffarans & Lewis	4,714 23	56,014 23	This amount transferred and paid by order of the Hon. John C. Spencer, Secretary of War.
1843.					
Jan. 23	Daniel Saffarans	- By Arkansas 5 per cent. bonds, paid to Daniel Saffarans	41,000 00		
Jan. 23	Daniel Saffarans	- By Pennsylvania 5 per cent. bonds, paid to Daniel Saffarans	7,000 00		
Jan. 23	Daniel Saffarans	- By United States 6 per cent. of 1841, paid to Daniel Saffarans	2,200 00		
Jan. 23	Daniel Saffarans	- By requisition on the Treasury, paid to Daniel Saffarans	401 65	50,601 65	This amount transferred and paid by order of the Hon. John C. Spencer, Secretary of War.

## STATEMENT—Continued.

Date of payment.	To whom paid.	How paid.	Am't of each payment.	Aggregate.	Remarks.
1843.					
Feb. 17	Daniel Saffarans	- By Arkansas 5 per cent. bonds, paid to Daniel Saffarans -	\$4,000 00		
Feb. 17	Daniel Saffarans	- By requisition on the Treasury, paid to Daniel Saffarans -	1,839 41	\$5,839 41	This amount transferred and paid by order of the Hon. John C. Spencer, Secretary of War.
July 13	Daniel Saffarans	- By Arkansas 5 per cent. bonds, paid to Daniel Saffarans -	11,000 00		
July 13	Daniel Saffarans	- By Pennsylvania 5 per cent. bonds, paid to Daniel Saffarans	1,000 00		
July 13	Daniel Saffarans	- By requisition on the Treasury, paid to Daniel Saffarans -	2,032 31	14,032 31	This amount transferred and paid by order of the Hon. J. M. Porter, Secretary of War.
Aug. 16	Daniel Saffarans	- By requisition on the Treasury of the United States, paid to Daniel Saffarans -	-	480 00	This amount transferred and paid by order of the Hon. J. M. Porter, Secretary of War.
Oct. 5	Daniel Saffarans	- By requisition on the Treasury of the United States, paid to Daniel Saffarans -	300 95		
Oct. 5	Daniel Saffarans	- By Arkansas 5 per cent. bonds, paid to Daniel Saffarans -	3,000 00	3,300 95	This amount transferred and paid by order of the Hon. J. M. Porter, Secretary of War.
Dec. 16	Daniel Saffarans	- By Arkansas 5 per cent. bond, paid to Joseph Bryan, attorney for Saffarans -	1,000 00		
Dec. 16	Daniel Saffarans	- By requisition on the United States Treasury, paid to Joseph Bryan, attorney for Saffarans -	26 56	1,026 56	This amount transferred and paid by order of the Hon. J. M. Porter, Secretary of War.
				177,918 61	

NOTE.—In addition to the above, Chickasaw orphans, with the approbation of the majority of the Chickasaw commissioners and the Chickasaw agent, as required by treaty, have themselves sold the whole or parts of their respective reservations. Of the sales so made, ninety-nine quarter sections were sold to Saffarans & Lewis, for a consideration of \$19,800; and sixty-nine quarter sections were sold to Daniel Saffarans, for a consideration of \$13,800.

Ff 1.

JANUARY 6, 1845.

DEAR SIR: You will find enclosed a letter from Mr. Rogers, upon the subject of certain Indian claims.

The fact stated by Mr. Rogers, of some of the claims being within the bounds of settlers, would, in my judgment, militate against the application. I would, however, prefer your views upon it.

Yours, truly,  
J. TYLER.

Hon. WILLIAM WILKINS,  
*Secretary of War.*

[Order of Secretary of War.]

Mr. Crawford will report to me.

WILLIAM WILKINS.

Ff 2.

WASHINGTON CITY, *July 6, 1844.*

SIR: You will find herewith a correspondence between Major William Armstrong, agent of the Choctaw Indians, and myself, on the 5th and 7th ultimo, from which you will discover my object and the wishes of the Choctaws; also, the importance of having the subject attended to without delay.

The communication referred to by Major Armstrong can be procured from the Commissioner of Indian Affairs.

It is my wish to return immediately to the Choctaw nation, if you approve the arrangement *proposed*. You have precedent. (See reference letter, part Major Armstrong's letter to me.)

Very respectfully, your most obedient and humble servant,

JOHN A. ROGERS.

His Excellency JOHN TYLER,

*President of the United States, Washington City, D. C.*

Ff 3.

FORT SMITH, ARKANSAS, *June 5, 1844.*

DEAR SIR: From the long acquaintance and social intercourse of our youth, it is proper I should fully explain to you the object of my mission at this time to this part of the country, which may prevent, now or hereafter, any censure or distrust against you or myself; and that you, as the legal agent and guardian of the Choctaw tribe of Indians, act advisedly in the matter, and prevent any act which may have the semblance of fraud or peculation with your trust.

You, I doubt not, are fully apprized that provisions were made in the treaty with the Choctaw tribe of Indians, concluded at Dancing Rabbit creek in 1830, that each orphan within the nation should be entitled to one quarter section of land, to be selected and set apart for that purpose, within the ceded territory; which was done. It also provided that the lands so selected could be sold or disposed of under the approval of the President of the United States;

a large portion of which, under the direction of the Executive of the United States, has been offered at public sale on a credit, the payment for which has become due some time since, and suit brought against a part of the purchasers for the amount of purchase money. The defendants demur to the declarations, and plead that the *President* had no right or authority to sell the land; that it was a vested right in the orphans; and so the district court of the United States decided, and stated no one could transfer that right but the original claimants, or their legal representatives, with the consent and approval of the President of the United States.

Those orphan claimants hold jointly; no distribution or partition can be in any way legal only through a court of chancery in the State of Mississippi, which will be attended with much trouble and labor.

I have some friends who now have in possession a part of those lands lying within their plantations, and are desirous that the business be adjusted at an early day; and have proposed that Samuel F. Butterworth, Esq., a gentleman of talents, and eminently qualified to attend to the adjustment of the claims, and myself, should purchase of the several joint claimants their several interests, which we propose to do on the following terms, to wit: we will pay to each claimant the sum of one dollar and twenty-five cents per acre, or two hundred dollars for each quarter section, (being the minimum price of the public lands of the United States,) to be paid to you or the legal agent of the Choctaw nation so soon as patents may be issued to us by the authority of the President of the United States, with the approval of sales, and will execute to you a deed of trust for all the lands which may be decreed to us by the court, to secure the payment to such orphans as are divested of such rights; and we will pay all costs of procuring title and decree, and release the Indians from any liability whatever; and also give the personal guaranty of Junius Amiss & Co., commission merchants of New Orleans.

If you prefer the consent of the President of the United States before you permit further steps to be taken, I will endeavor to procure it. I wish to do no act that would not meet the approbation of the President or public opinion.

Very respectfully, your obedient servant,

JOHN A. ROGERS.

Major WILLIAM ARMSTRONG,

*Agent of the Choctaws, Choctaw Agency west of Arkansas.*

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FF 4.

CHOCTAW AGENCY, June 7, 1844.

SIR: Your communication upon the subject of the Choctaw orphans' claims has been received.

In answer, I beg leave to say, that the chiefs of the nation have united in a petition to the President of the United States, for the proceeds of such lands as are sold on authority, to sell such lands as may be unsold.

No answer to the communication has as yet been received. I concur in the propriety of making a speedy settlement of the question—first, because the orphans living are all of age. At least half have died. To procrastinate will only produce difficulty in identifying the proper heirs, and



withhold those entitled to the benefits of the provisions of the treaty, who are as capable as they ever will be to manage and receive the lands or the proceeds.

The letter of the chiefs was forwarded through the Indian department a short time since.

Two of the claimants have sold through their guardian, Major Pitchlynn; which sale was approved by President Jackson, if I am not mistaken.

Very respectfully,

WILLIAM ARMSTRONG,  
*Acting Superintendent W. T.*

Colonel JOHN A. ROGERS,  
*Fort Smith.*

FF 5.

WAR DEPARTMENT,

*Office Indian Affairs, January 14, 1845.*

SIR: The letter of John A. Rogers, Esq., to the President of the United States, dated 6th July last, has been referred, with its enclosures, to this office, by you, for a report.

The object of the above communication is set forth in one of the enclosures, viz: a letter from Mr. Rogers to Major William Armstrong, dated 5th June last; in which, after saying that the sales heretofore made, under the order of the President of the United States, of the Choctaw orphans' lands reserved in the treaty of 1830, have been decided by the district court of the United States for the district of Mississippi to be invalid, he adds: "Those orphan claimants hold jointly; no distribution or partition can be in any way legal only through a court of chancery in the State of Mississippi, which will be attended with much trouble and labor."

"I have some friends who now have in possession a part of those lands lying within their plantations, and are desirous that the business be adjusted at an early day; and have proposed that Samuel F. Butterworth, Esq., a gentleman of talents, and eminently qualified to attend to the adjustment of the claims, and myself, should purchase of the several joint claimants their several interests; which we propose to do on the following terms, to wit: we will pay to each claimant the sum of one dollar and twenty-five cents per acre, or two hundred dollars for each quarter section, (being the minimum price of the public lands of the United States,) to be paid to you or the legal agent of the Choctaw nation so soon as patents may be issued to us by the authority of the President of the United States, with the approval of sale, and will execute to you a deed of trust for all the lands which may be decreed to us by the court, to secure the payment to such orphans as are divested of such rights; and we will pay all cost of procuring title and decree, and release the Indians from any liability whatever; and also give the personal guaranty of Junius Amiss & Co., commission merchants of New Orleans.

"If you prefer the consent of the President of the United States before you permit further steps to be taken, I will endeavor to procure it. I wish to do no act that would not meet the approbation of the President or public opinion."

To this letter Major Armstrong replied, under date of the 7th of June: "I beg leave to say that the chiefs of the nation have united in a petition to the President of the United States for the proceeds of such lands as are sold, or authority to sell such lands as may be unsold."

"No answer to the communication has as yet been received. I concur in the propriety of making a speedy settlement of the question, first, because the orphans living are all of age. At least half have died. To procrastinate will only produce difficulty in identifying the proper *heirs*, and withhold those entitled to the benefits of the provisions of the treaty, who are as capable as ever they will be to manage and receive the lands or the proceeds."

"The letter of the chiefs was forwarded through the Indian department a short time since."

"Two of the claimants have sold, through their guardian, Major Pitchlynn, which sale has been approved by President Jackson, if I am not mistaken."

I do not know that I can better report on this matter than by sending copies of a statement of the facts connected with these orphan lands; of a report of mine affirming that the sales referred to were legal and valid, on a representation to the President of the United States that they were supposed not to be so; and of an opinion by the Attorney General of the United States, to whom the question was submitted, supporting the opinion I had previously expressed.

It has been said that the district court has decided that there was no authority in the treaty for the sales of the Choctaw orphan lands, but I have no official advice, even now, of such decision, nor has such advice been received at the office of the Solicitor of the Treasury, who is charged with the superintendence of suits on the part of the Government. I thought it, therefore, proper to confer with this officer on the subject, whose opinion in favor of the sales is concurrent with those already mentioned.

These views being entertained, I addressed, on 26th December last, a letter to the Solicitor, sending him copies of my report and the opinion of the Attorney General, and stating the reported decision of the district court of Mississippi, with the understanding that he would write to the district attorney for official information as to the decision; on the receipt of which, if there was no misapprehension, a writ of error should be sued out to the Supreme Court of the United States, to correct what was deemed to be a mistake.

The two cases in which their quarters of a section of land were sold by the two Pitchlynn boys are put by an order of President Jackson upon an entirely different footing from the others. Long before the general sales, (viz: on 26th January, 1837,) Hon. A. V. Brown, who had been appointed to sell the Choctaw orphan lands, was informed that "the south half of section 22, in township 19, of range 17 east, has been located for Ebenezer and Alexander Pitchlynn; and improvements having been made upon it by their grandfather, Major Pitchlynn, the President has directed that it shall be reserved from the general sale." This order appears to have been made on a letter addressed to the President on 29th February, 1836, stating that the widow of Major John Pitchlynn earnestly requests that "you will be pleased to order that the land in question be reserved out of the general sale, and that a *title in fee* be confirmed to her grandchildren, in order that they may continue to live on it, and enjoy the benefits granted by the treaty." They afterwards, (to wit, on 10th May, 1837,) being of

age, applied for permission to sell it, and on the 19th of the same month they were informed they had such permission. Deeds executed by them, respectively, and dated 10th May, 1836, and 25th November, 1837, were approved. These two allotments of land for the two Pitchlynnns were the only separate or individual assignments of land made to orphans under this treaty, and they were understood to be so made because the grandfather of the minors had been on the half section of land, and improved it. They were so allotted by the President's order. All the others (132 in number) were set apart generally for the orphans who had an undivided interest in the whole, and no right to any particular quarter section. The general sale was afterwards made by order of the President, (viz: in May and June, 1838.) There is therefore no resemblance between the Pitchlynn cases and the others.

Mr. Rogers speaks of paying \$1 25 per acre when the patents issue. The lands have already sold for between six and seven dollars per acre—some of the money paid and the rest well secured, which could be soon collected but for the difficulty now made, probably because of the good prices obtained. If any thing could be wanting to prevent all interference, it would be found in the fact that the sales made have already realized nearly twice as much as Mr. Rogers's offer would amount to, and that when all the money is collected it will be more than five times as much as his proposition would bring. It would be most unjust, if it could be done, to the orphans, to set aside these sales; and I do not believe the authority of the Executive can reach them; for the purchasers and orphans have vested rights by the sales, which no power short of the Judiciary can affect.

The sales made I consider very important to these Choctaws, which justice forbids us to disturb, and against which, as it seems to me, neither reason nor law requires us to run.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

HON. WILLIAM WILKINS,  
*Secretary of War.*

